

# INSTRUCTIONS TO FILE A PETITION TO SEAL ARREST AND CRIMINAL RECORDS

These standard instructions are for informational purposes only and do not constitute legal advice about your case. If you choose to represent yourself, you are bound by the same rules and procedures as an attorney.

## GENERAL INFORMATION

- ◆ Any person in interest (party to the case) may petition the District Court to seal records by filing a civil action in the county in which any arrest and/or criminal records are filed.
- ◆ A separate civil case must be filed for each court case record you want sealed, unless both a county court case (F Case) and a district court case (CR case) were established as a result of the same offense.
- ◆ The arrest records may be included in the case file or you may need to contact the arresting agency.
- ◆ You **may only** petition the Court to seal arrest or criminal records if the Defendant meets one of the following requirements:
  - ☑ All charges were **dismissed** or the Defendant was **acquitted** of all charges.
  - ☑ There is only an arrest record and no charges were filed in a Court.
  - ☑ The Defendant had a case that was dismissed due to a plea agreement in another case and **10 or more years have passed** from the final disposition of all criminal proceedings and no additional criminal charges since the date of the final disposition of all criminal proceedings have been filed against the Defendant.
- ◆ You **may not** petition the Court to seal arrest or criminal records if:
  - ☑ The Defendant has been convicted of an offense for which the factual basis involved unlawful sexual behavior pursuant to §16-22-102(9), C.R.S.; or
  - ☑ An offense was not charged due to a plea agreement in a separate case, but **10 years have not passed** since the final disposition of all criminal proceedings against the Defendant; or
  - ☑ A dismissal occurred as part of a plea agreement in a separate case, but **10 years have not passed** since the final disposition of all criminal proceedings against the Defendant; or
  - ☑ The Defendant still owes restitution, fines, court costs, late fees, or other fees ordered by the Court in the case being requested to seal, unless the court has vacated such order.
  - ☑ The offense pertains to a class 1 or class 2 misdemeanor traffic offense, or to a class A or class B traffic infraction, or a conviction for a violation of Driving Under the Influence §42-4-1301(1) or (2), C.R.S.
  - ☑ The conviction pertains to an offense concerning the holder of a commercial driver's license or the operator of a commercial motor vehicle.
- ◆ The Court, law enforcement and criminal justice agencies will always have access to the file. The files are not destroyed. However, as provided under the statute, if inquiries are made by anyone other than a criminal justice agency, all agencies must respond that "*no such record exists with respect to such person*".
- ◆ For additional information, please review Colorado Revised Statute §24-72-308.
- ◆ If you have a disability and need a reasonable accommodation to access the courts, please contact your local ADA Coordinator. Contact information can be obtained from the following website:  
[http://www.courts.state.co.us/Administration/HR/ADA/Coordinator\\_List.cfm](http://www.courts.state.co.us/Administration/HR/ADA/Coordinator_List.cfm)

## COMMON TERMS

- ☒ Petition: Document officially commences the Sealing of Records process.
- ☒ Petitioner: The person or persons filing a Petition to Seal Arrest and Criminal Records.
- ☒ Person in Interest: The person who is the primary subject of a criminal justice record or his/her legal representative. If the person is under legal disability this means and includes the person's parent.
- ☒ Arrest: To take into custody by legal authority.
- ☒ Acquitted: The finding of not guilty by a Judge or Jury.
- ☒ Criminal Case: A case brought by the government against an individual accused of committing a crime.
- ☒ May: In legal terms, "may" is defined as "optional" or "can".
- ☒ Shall: In legal terms, "shall" is defined as "required".

**If you do not understand this information, please contact an attorney.**

## FEES

The filing fee is \$224.00. If you are unable to pay, you must complete the Motion to File without Payment and Supporting Financial Affidavit (JDF 205) and submit it to the Court. Once you submit the completed JDF 205 form and a blank Order (JDF 206), the Court will decide if you need to pay the filing fee.

Other fees that a party to the case may encounter are as follows:

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|--|---|
| <input type="checkbox"/> Records Search Fees                         | Varies and is payable to the agency       |
| <input type="checkbox"/> Copies of Documents (Documents on File)     | \$ .75 per page or \$1.50 if double-sided |
| <input type="checkbox"/> Copies of Documents (Documents not on File) | \$ .25 per page or \$.50 if double-sided  |
| <input type="checkbox"/> Certification Fee                           | \$20.00 per document                      |

## FORMS

To access forms online, go to the website at [www.courts.state.co.us](http://www.courts.state.co.us) and then click “Forms” tab. The forms are available in PDF or WORD by selecting **Criminal or District Civil - Sealing of Arrest and Criminal Records**. Please click either PDF or WORD by the title of the form. You may complete a form online and print or you may print it and type or print legibly in black ink.

- JDF 417 Petition to Seal Arrest and Criminal Records
- JDF 418 Order to Seal Arrest and Criminal Records
- JDF 419 Order and Notice of Hearing (Sealing of Records)
- JDF 435 Order Denying Petition to Seal Arrest and Criminal Record
- JDF 617 Certificate of Mailing

## STEPS TO FILING YOUR CASE

### Step 1: Obtain arrest and criminal records.

In order to file a Petition to Seal Arrest and Criminal Records, you must obtain the proper case report numbers, case numbers, and arrest numbers from the original arrest or criminal records. This information is necessary to ensure that your case is sealed properly, if ordered by the Court. A fee may be required to obtain this information.

**No Criminal Justice Information involving a conviction may be sealed.** The records may be found in the following locations:

- Court Records. County and district court files are available from the clerk of court’s office for each respective court.
- Municipal Court Records. These can be found at each Municipal Court. Contact the specific court for assistance.
- Arrest or Police Records. Contact the arresting agency. Their files have the arresting agency and arrest numbers.
- Colorado State criminal history. This report may assist you in locating correct dates, arrest numbers, and agency case numbers to include on your Petition.
  - Criminal history reports can be accessed immediately by using the web-based system <https://www.cbirecordscheck.com/Index.asp>
  - You will be charged \$6.85 to your credit card per result viewed.
  - If you are unable to access the Internet, please call the Colorado Bureau of Investigation (CBI) at 303-239-4208 for additional information. CBI is located at 690 Kipling in Denver.

### Step 2: Complete the appropriate forms.

- Petition to Seal Arrest and Criminal Records (JDF 417).**
  - Enter the Defendant’s name in the case caption.
  - All applicable sections must be completed before the case is filed.**
  - You are responsible for specifying with a checkmark each criminal justice agency that has the Defendant’s criminal records. Do not include the Federal Bureau of Investigation (FBI). It is the

Colorado Bureau of Investigation's (CBI) responsibility to contact the FBI if there is a corresponding FBI record.

- Specify the charge(s) for any arrest record or court case file you want sealed. You may obtain this information from the arresting agency and the court clerk's office.
- If you had a case that was dismissed due to a plea agreement in a separate case, provide the case number(s) that are related to the plea agreement.
- You must enter the case number(s) of all the files you want sealed. If you are requesting multiple cases to be sealed, a separate filing fee for each case is required.
- List the result of the official action you are petitioning to seal.
- This Petition must be signed in the presence of a Court Clerk or Notary Public.

**Order Denying Petition to Seal Arrest and Criminal Record (JDF 435).**

- Complete only the caption on this form.
- The Court will complete this form only if your Petition is denied.

**Order to Seal Arrest and Criminal Records (JDF 418).**

- Complete all portions of the form.
- You must indicate the same agencies on the Order as you did on the Petition.
- The Judge or Magistrate will sign the Order at the time of the hearing if your Petition is approved.

**Order and Notice of Hearing (JDF 419).**

- Complete all portions of the form.
- The Court may send this notice and a copy of the Petition to you and all the agencies you listed on the Petition **or** you may be required to mail to all the agencies once the hearing is set.
  - If you are required to provide the Order and Notice of Hearing and Petition to the agencies, complete JDF 617 Certificate of Mailing and also file the certified mailer for the District Attorney's Office.

**Step 3: You are ready to file the case with the Court.**

Provide the Court with the documents completed as described in Steps 1 - 2 above and pay the filing fee of \$224.00. If you are requesting to seal multiple cases, you must file a separate Petition to Seal and pay a separate \$224.00 filing fee for each case. If the Petition has not been signed in the presence of a Notary Public, you will sign the Petition before the Clerk at this time.

- You may be required to provide copies of your Petition to Seal for each of the agencies identified on the Order and Notice of Hearing to the Court.
- The Court may require addressed stamped envelopes for every agency you identified on the Notice and Certificate of Mailing. In addition, provide a self-addressed stamped envelope to receive a copy of the Order.

**Step 4: The Court will review the Petition and supporting documents to determine if a hearing will be set.**

- If the Petition is denied the Court will send you an Order Denying the Petition (JDF 435). This Order will specify the reasons for the denial of the Petition and no hearing will be set.
- If the Petition is sufficient on its face and no grounds exist at that time for the Court to deny the Petition, a hearing will be set.
  - The Court may send an Order and Notice of Hearing and a copy of the Petition to you and all the agencies you listed on the Petition **or** you may be required to mail the Order and Notice of Hearing and Petition to all the agencies.
  - If an agency files an objection, you will receive a copy of that objection.

**Step 5: Be prepared for the hearing.**

You may be asked questions about the request for sealing an arrest and criminal record and any objections filed, if applicable.

- If the Court required you to provide the Order and Notice of Hearing and Petition to the agencies, complete JDF 617 Certificate of Mailing and also file the certified mailer for the District Attorney's Office.
- On the hearing date the Court will either grant or deny the Petition to Seal Arrest and Criminal Records.
- The Court will automatically seal the civil action record.

**Step 6: Following the hearing.**

After the Order is entered, it is your responsibility to notify the Colorado Bureau of Investigation (if applicable), and those agencies listed on the Order, by mailing each agency a copy of the signed order. Your failure to notify the agencies may result in the Defendant's arrest and criminal record not being sealed. You do not need to notify the District or County Court, but you must notify the Municipal Court Clerk if Municipal court records are being sealed.

- Approximately 30 days after you send a copy of the Court's order to the agencies listed, the Defendant's record will be sealed by the agencies.

District Court _____ County, Colorado Court Address: _____  <hr/> <b>Petition of:</b>  <b>Defendant (Primary subject of the criminal justice record)</b>	▲ <b>COURT USE ONLY</b> ▲
Attorney or Party Without Attorney (Name and Address): _____  Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: _____  Division _____ Courtroom _____
<b>PETITION TO SEAL ARREST AND CRIMINAL RECORDS          PURSUANT TO §24-72-308, C.R.S.</b>	

**1. The Petitioner is: (check one only)**

- the primary subject of the criminal justice record.
- the authorized representative of the Defendant (attorney for the Defendant).
- the parent of the Defendant.
- the appointed legal representative of the Defendant.

**2. Information about the Defendant:**

Date of Birth: \_\_\_\_\_

Current Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Home Phone #: \_\_\_\_\_ Work Phone #: \_\_\_\_\_ Cell #: \_\_\_\_\_

**3. The Petitioner asks this Court for an Order to Seal Arrest and Criminal Records information in the custody of the following agencies:**

- District and County Courts
- Sheriff's Department
- District Attorney
- Law Enforcement Agency (name of agency) \_\_\_\_\_
- Municipal Court (location) \_\_\_\_\_
- Colorado Bureau of Investigation
- Other \_\_\_\_\_

**4. The Petitioner further shows the Court that the harm to Petitioner's privacy, or the danger of unwarranted adverse consequences, outweighs the public interest in retaining the records. Explain:**

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- a. The charge(s), if any, in the court case record to be sealed is/are as follows: Indicate in the Dismissal column **Yes** or **No**. Indicate **Yes** if charges were dismissed by the District Attorney or Court without a plea. If charges were dismissed due to a plea agreement in a separate case, indicate **Yes** and also complete section c.

Offense Date	Arrest Date	Arrest or Summons Number	Charge	F/M *	Dismissal	Deferred Judgment	Acquittal	No Charges Filed

- b. No court case exists (e.g., no charges were filed, only an arrest occurred, no appearance in Court was made); however, the following arrest record(s) exist. If charges were not filed due to a plea agreement in a separate case then Petitioner must not have been charged with any criminal offense in the ten years since the date of the final disposition of all criminal proceedings against the Defendant.

Date of Arrest	Original Arrest Number	Charge

- c. A court case exists but was dismissed due to a plea agreement in a separate case and Petitioner is not aware of any charges for any criminal offense in the ten years since the date of the final disposition of all criminal proceedings against the Defendant.

Case Number of Case Dismissed	Date Case was Dismissed	Case Number Identified in the Plea Agreement

**5. Court case numbers and criminal justice agency case numbers:**

County Court case number: \_\_\_\_\_

District Court case number: \_\_\_\_\_

Municipal Court Case number: \_\_\_\_\_

Law Enforcement Agency case number: \_\_\_\_\_

Arrest number (from fingerprint card): \_\_\_\_\_ Date: \_\_\_\_\_

6. The Defendant has paid all restitution, fines, court costs, late fines or other fees ordered by the Court, unless the Court has vacated the Order in the case requesting to be sealed.
7. The conviction does not pertain to an offense concerning the holder of a commercial driver's license or the operator of a commercial motor vehicle.
8. Petitioner requests the Court to set a date for hearing on this Petition and to enter an order sealing arrest and criminal records pertaining to the Defendant, pursuant to §24-72-308(1)(b)(II), C.R.S. and to seal this action.

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**VERIFICATION AND ACKNOWLEDGMENT**

I (Petitioner) swear or affirm under oath that I have read the foregoing Petition and that the statements contained in this Petition are true to the best of my knowledge and belief.

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Date

The foregoing instrument was acknowledged before me in the County of \_\_\_\_\_, State of Colorado, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the Petitioner.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public/Deputy Clerk

\_\_\_\_\_  
Signature of Attorney

\_\_\_\_\_  
Date

District Court _____ County, Colorado Court Address: _____  <hr/> <b>Petition of:</b>   <hr/> <b>Defendant (Primary subject of the criminal justice record)</b>	    <b>▲ COURT USE ONLY ▲</b>
	Case Number: _____  Division: _____ Courtroom: _____
<b>ORDER TO SEAL ARREST AND CRIMINAL RECORDS          PURSUANT TO §24-72-308, C.R.S.</b>	

The Court having read the Petition to Seal Arrest and Criminal Records, examined the record, considered the responses filed by the District Attorney or any other person or agency, finds that the harm to privacy of the subject of the record to be sealed or dangers of unwarranted adverse consequences to that person outweigh the public interest in retaining the record.

Defendant's Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
 Current Mailing Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

**ORDERS that the criminal records information specifically relating to and contained in:**

County Court case number: \_\_\_\_\_  
 District Court case number: \_\_\_\_\_  
 Municipal Court Case number: \_\_\_\_\_  
 Law Enforcement Agency case number: \_\_\_\_\_  
 Arrest number (from fingerprint card): \_\_\_\_\_ Date: \_\_\_\_\_

shall be sealed immediately, except for basic identifying information, and that upon inquiry in the matter, the person in interest and criminal justice agencies to which this order is directed may properly reply that no such records exist with respect to such person.

The Court directs the above order to the Clerk of Court to seal the criminal case(s) listed above. The Court also directs the Clerk of Court to seal this civil action.

**The Petitioner shall mail a copy of this Order to (see attached mailing list):**

- Sheriff's Department
- District Attorney
- Law Enforcement Agency \_\_\_\_\_
- Municipal Court \_\_\_\_\_
- Colorado Bureau of Investigation
- State Court Administrator's Office, 101 W. Colfax Ave., Suite 500, Denver, CO 80202-5351: Attn: Records Sealed
- Other: \_\_\_\_\_

Date: \_\_\_\_\_  
\_\_\_\_\_ District Court Judge

I certify that on \_\_\_\_\_ (date), I mailed, faxed, e-filed, or hand-delivered a copy of this Order to the following:

Petitioner  Petitioner's Attorney  
\_\_\_\_\_ Clerk



District Court _____ County, Colorado Court Address: _____  <hr/> <b>Petition of:</b>     <hr/> <b>Defendant (Primary subject of the criminal justice record)</b>	<b>▲ COURT USE ONLY ▲</b>  <hr/> Case Number: _____  Division _____ Courtroom _____
<b>ORDER AND NOTICE OF HEARING (SEALING OF RECORDS)</b>	

Notice is given that the attached Petition has been filed in this Court in accordance with §24-72-308, C.R.S.

The Court finds that the Petition is sufficient on its face and that no other grounds exist for the Court to deny the Petition and a hearing on this matter has been set as follows:

**Location:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Time:** \_\_\_\_\_

Any response objecting to this Petition must be filed with the Court no later than \_\_\_\_ days prior to the hearing date.

A copy of the Order and Notice of Hearing and attached Petition was mailed to the agencies indicated below (check only the agencies that apply) by the Court, **or**

A copy of the Order and Notice of Hearing and attached Petition shall be mailed to the agencies indicated below (check only the agencies that apply) by the Attorney for Petitioner or Petitioner with proof of service (JDF 617) and the certified mailer to be filed by the Attorney for Petitioner or Petitioner on or before the date of the hearing as noted above.

Prosecuting Attorney (via certified mail)

State Court Administrator's Office, 101 W. Colfax Ave., Suite 500, Denver, CO 80202-5351: Attn: Records Sealed

Other: \_\_\_\_\_

Other: \_\_\_\_\_

Other: \_\_\_\_\_

Other: \_\_\_\_\_

Other: \_\_\_\_\_

Other: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
District Court Judge

### CERTIFICATE OF SERVICE

I certify that on \_\_\_\_\_ (date), I mailed, faxed, e-filed, or hand-delivered a copy of this Order and Notice of Hearing to the agencies identified above and the Attorney for Petitioner or Petitioner *pro se*.

\_\_\_\_\_  
Clerk



District Court _____ County, Colorado Court Address:		
Petition of:		
<b>Defendant (Primary subject of the criminal justice record)</b>		▲ <b>COURT USE ONLY</b> ▲
Attorney or Party Without Attorney (Name and Address):		Case Number:
Phone Number:	E-mail:	Division
FAX Number:	Atty. Reg. #:	Courtroom
<b>CERTIFICATE OF MAILING</b>		

I certify that on \_\_\_\_\_ (date), a copy of the Order and Notice of Hearing and Petition to Seal Arrest and Criminal Records or Petition to Seal Criminal Conviction Records was served on the parties listed below (include name and address) by:

Hand Delivery  Faxed to this number \_\_\_\_\_ or

by placing it in the United States mail, postage pre-paid, and addressed to the following:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Petitioner

**Note:** This Certificate of Mailing must be provided to the Court on or before the hearing date identified on the Order and Notice of Hearing.