

# Instructions to Seal Arrest and Criminal Records When No Charges Were Filed

**Notice!** 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 may petition the District Court to seal any arrest and criminal records information pertaining to the person in interest, except basic identification information, 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 arrest record you want sealed.
- ◆ For additional information, please review Colorado Revised Statute §24-72-704.
- ◆ 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)

In order to qualify to have your criminal record sealed, you must meet one of the following requirements:

- You completed a diversion agreement pursuant to C.R.S. § 18-1.3-101 and no criminal charges were ever filed;
- You have an arrest record, but you were not charged in court and the statute of limitations for the offense for which the you were arrested that has the longest statute of limitations has run; OR
- You have an arrest record, but you were not charged in court, the statute of limitations has not run and you are no longer being investigated by law enforcement for commission of the offense. For further information about specific statutes of limitations, see §16-5-401, C.R.S.

## COMMON TERMS

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|---|--|
| <input checked="" type="checkbox"/> Petition:           | Document officially commences the Sealing of Records process.  |
| <input checked="" type="checkbox"/> Petitioner:         | The person or persons filing a Petition to Seal Arrest and Criminal Records.   |
| <input checked="" type="checkbox"/> 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. |
| <input checked="" type="checkbox"/> Arrest:             | To take into custody by legal authority.   |
| <input checked="" type="checkbox"/> May:                | In legal terms, "may" is defined as "optional" or "can".   |
| <input checked="" type="checkbox"/> Shall:              | In legal terms, "shall" is defined as "required".  |

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

## FEES

A filing fee of \$224.00 is required. 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 | \$ .25 per page or \$.50 if double-sided |
| <input type="checkbox"/> Certification Fee   | \$ 20.00                                 |

## FORMS

[www.courts.state.co.us/Forms/Criminal](http://www.courts.state.co.us/Forms/Criminal)

- JDF 417 Petition to Seal Arrest and Criminal Records When No Charges Filed
- JDF 418 Order to Seal Arrest and Criminal Records When No Charges Filed
- JDF 419 Order and Notice of Hearing
- JDF 435 Order Denying Petition to Seal Arrest and Criminal Records When No Charges Filed

## 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 under this process. See other instructions for sealing records related to a conviction.** 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.aspx?AspxAutoDetectCookieSupport=1>.
  - You will be charged 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 Street, Suite 315, Lakewood, CO 80215.

### Step 2: Complete the appropriate forms.

- Petition to Seal Arrest and Criminal Records When No Charges Filed (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.
    - You **must** provide the agency's mailing address.
    - Do not list the Federal Bureau of Investigation (FBI).
  - Specify the charge(s) for any arrest record you want sealed. You may obtain this information from the arresting agency.
  - List the result of the official action you are petitioning to seal.
- Order Denying Petition to Seal Arrest and Criminal Records When No Charges Filed (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 When No Charges Filed (JDF 418).**
  - Complete all portions of the form.
  - The Judge or Magistrate will sign the Order if your Petition is approved.
- Order and Notice of Hearing (JDF 419).**
  - Complete all portions of the form.
  - The Court will complete this form only if the Court orders a hearing.

**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 \$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..

- You are required to provide copies of your Petition to Seal for each of the agencies identified.

**Step 4: Court Review.**

- 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 granted without a hearing, the Court will send you an Order to Seal Arrest and Criminal Records (JDF 418). The Court will grant the Petition without a hearing only if the Petition is sufficient on its face.
- If the Petition is sufficient on its face and no grounds exist at that time for the Court to deny the Petition, the court may set hearing and you will receive a copy of the Order and Notice of Hearing (JDF 419).
- If an agency files an objection to your Petition, you will receive a copy of that objection

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

If the Court conducts a hearing, you may be asked questions about the request for sealing an arrest and criminal record and any objections filed, if applicable.

- The Court will either grant or deny the Petition to Seal Arrest and Criminal Records When No Charges Filed.
- If the Court grants the Petition, the Court may automatically seal the criminal record.

**Step 6: If Your Request is Approved.**

The Court will send the order to the agencies at the address you listed in the Petition.

- Generally, the agencies will seal your records within 30 days of receiving the order.