

PETITION TO EXPUNGE

TO: Commissioner of Probation, One Ashburton Place, Room 405, Boston, MA 02108

SELECT appropriate box.

1. **Delinquency (juvenile) adjudication or youthful offender conviction. Section 100F** - Chapter 276. I ask that the Court expunge my delinquency (juvenile) adjudication or youthful offender conviction, a misdemeanor for which I completed all parts of my sentence at least 3 years ago, or a felony for which I completed all parts of my sentence at least 7 years ago.

2. **Adult conviction. Section 100G** - Chapter 276. I ask that the Court expunge my adult conviction, a misdemeanor for which I completed all parts of my sentence at least 3 years ago, or a felony for which I completed all parts of my sentence at least 7 years ago.

3. **Delinquency (juvenile) non-adjudication or any youthful offender or adult non-conviction. Section 100H** - Chapter 276. I ask that the Court expunge my delinquency (juvenile) non-adjudication or youthful offender or adult non-conviction, a misdemeanor for which I completed all parts of my sentence at least 3 years ago, or a felony for which I completed all parts of my sentence at least 7 years ago.

Print: _____ **Date of Birth:** _____
(Last Name) (First Name) (Middle Name)

Alias/Maiden/Previous Name: _____

Mailing Address: _____ **City:** _____ **State:** _____ **Zip:** _____

Occupation: _____ **Social Security #** _____ **Phone #** _____

Father's Name: _____ **Mother's Maiden Name:** _____ **Spouse's Name:** _____

Race: Asian American Indian/Alaskan Native Native Hawaiian/Pacific Islander
 Black/African American White Other/Mixed Race

Ethnicity: Hispanic or Latino Not Hispanic or Latino

Gender: _____

Signature Of petitioner: _____

I understand and acknowledge that signing this petition means all of the statements below are true of the offense I am seeking to have expunged:

- I was under 21 years of age at the time the offense was committed;
- I have no additional offenses (other than minor motor vehicle violations) in Massachusetts or any other jurisdiction;
- I am not currently the subject of an active criminal investigation by any criminal justice agency;
- If the offense is a misdemeanor, all custody (including probation) ended at least 3 years ago;
- If the offense is a felony, all custody (including probation) ended at least 7 years ago;
- The offense did not result in death or serious bodily injury nor was the offense committed with the intent to cause death or serious bodily injury;
- The offense was not committed while armed with or carrying a dangerous weapon;
- The offense was not committed against an elderly or disabled person;
- The offense is not a sex offense, a sex offense involving a child, or sexually violent offense;
- The offense is not Operating Under the Influence (of liquor or drugs);
- The offense is not a firearms violation or a violation for illegal sale of a firearm;
- The offense is not a violation of any restraining or harassment prevention orders;
- The offense is not an assault or assault and battery on a household member; and
- The offense is not a felony violation of General Laws Chapter 265.

Signed under penalties of perjury

Signature Of Petitioner

Date

INSTRUCTIONS TO PETITIONER

Reasons for Expunging a Record Under G.L. c. 276, § 100F, § 100G, or § 100H.

Under Chapter 276, § 100F, § 100G, or § 100H, you can ask a judge to permanently destroy, or "expunge", the official court records in question if all of the conditions listed on the attached Petition are met, and that expungement of the offense in question would be in the interests of justice.

Expungement may also be available in circumstances other than those listed above. If you want to seek expungement under one of these other circumstances, you must fill out a different petition and submit it to the Court.

You can find information about these other provisions, including eligibility requirements, at www.mass.gov.

Will the District Attorney's Office be notified of this Petition?

Yes. If upon review of your Petition it is determined that you meet all of the criteria listed on said Petition, this office will then notify the District Attorney's Office in the County where the offense was prosecuted. The District Attorney then has the right to respond, should they choose to.

Will there be a hearing?

If the District Attorney's Office objects to this Petition, then a hearing will be held. If there is no objection, a hearing may be held, at the discretion of the Court, but is not required.

Can I submit material in support of my Petition?

Yes. You do not have to, but you may provide additional information to support your Petition.

Where to file (mail) this Petition?

Office of the Commissioner of Probation, One Ashburton Place, Room 405, Boston, MA 02108.

Records will be Permanently Destroyed

An order of expungement requires the clerk of the court where the record was created to destroy/permanently erase the trial court records within the care, custody or control of the clerk's office, probation, and the Department of Criminal Justice Information, except for information contained in the domestic violence record keeping system. It also requires criminal justice agencies to destroy/permanently erase the record from all publicly available police logs maintained pursuant to G.L. c. 41, § 98F within their care, custody or control. Further, criminal justice agencies are required to respond to inquiries from any party, including criminal justice agencies, a county agency, a municipal agency or state agency that no record exists.

While the clerk will provide you with a copy of the expungement order, if you want copies of the records, any documents that you filed, or the petition, you must make copies *before* the court orders expungement. Once the record is destroyed, you will not be able to get a copy from the court.