**Instructions for Petitioners**

**Info you will need to complete this form**: 1) The case number for the case you want to have expunged; 2) What the exact juvenile criminal charge was (including the statute you were charged under) and whether it was a misdemeanor, status offense, or felony. 3) The county you were charged in. 4) The date that you were no longer under the oversight of the Juvenile Corrections Act (the date your sentence and conditions were all fully completed). 5) The names and addresses for the prosecutor, court, sheriff or police department involved in your case. 6) The date you were found guilty or the date your case was dismissed. 7) A list of life skills you have developed since the juvenile charge.

\*\*If you do not have all of the information you need to complete this form, complete the following steps: 1) If your case was in Ada County or Twin Falls County, go to “iCourt” at <https://icourt.idaho.gov/>; click on the “Portal” hyperlink; click on the “Smart Search” hyperlink; 2) If your case was in any other Idaho county, go to the Idaho Supreme Court Data Repository at <https://www.idcourts.us/repository/start.do> and click on “Name Search”; 3) search for your cases. Sealed cases will not show up on the search results. To get sealed case information, contact the Juvenile Prosecutor’s Office or your Public Defender or other lawyer who handled your case. 4) Once you have found all of the charges and case numbers linked to your name, you can then obtain copies of your juvenile case records from the county where your case was filed by making a Public Records Request, visit the county’s website to find information on how to make your public records request, or call the county, or visit the county juvenile clerk’s office\*\*

 **Am I eligible to use this form?**

* You must have been under the age of 18 when you committed the act that led to the juvenile charge.
* You cannot have been convicted of a serious crime since the juvenile charge and cannot have pending criminal proceedings.
* If the juvenile charge was for one of the following crimes, it cannot be expunged: (a)  Administering poison with intent to kill ([18-4014](https://legislature.idaho.gov/statutesrules/idstat/Title18/T18CH40/SECT18-4014), Idaho Code);

(b)  Aggravated battery ([18-907](https://legislature.idaho.gov/statutesrules/idstat/Title18/T18CH9/SECT18-907), Idaho Code);

(c)  Armed robbery ([chapter 65, title 18](https://legislature.idaho.gov/statutesrules/idstat/Title18/T18CH65), Idaho Code);

(d)  Arson ([chapter 8, title 18](https://legislature.idaho.gov/statutesrules/idstat/Title18/T18CH8), Idaho Code);

(e)  Assault with intent to commit a serious felony ([18-909](https://legislature.idaho.gov/statutesrules/idstat/Title18/T18CH9/SECT18-909), Idaho Code);

(f)  Assault with intent to murder ([18-4015](https://legislature.idaho.gov/statutesrules/idstat/Title18/T18CH40/SECT18-4015), Idaho Code);

(g)  Assault or battery upon certain personnel, felony ([18-915](https://legislature.idaho.gov/statutesrules/idstat/Title18/T18CH9/SECT18-915), Idaho Code);

(h)  Forcible sexual penetration by use of a foreign object ([18-6608](https://legislature.idaho.gov/statutesrules/idstat/Title18/T18CH66/SECT18-6608), Idaho Code);

(i)  Infamous crime against nature, committed by force or violence ([18-6605](https://legislature.idaho.gov/statutesrules/idstat/Title18/T18CH66/SECT18-6605), Idaho Code);

(j)  Injury to child, felony ([18-1501](https://legislature.idaho.gov/statutesrules/idstat/Title18/T18CH15/SECT18-1501), Idaho Code);

(k)  Kidnapping ([18-4501](https://legislature.idaho.gov/statutesrules/idstat/Title18/T18CH45/SECT18-4501), Idaho Code);

(l)  Murder of any degree ([18-4001](https://legislature.idaho.gov/statutesrules/idstat/Title18/T18CH40/SECT18-4001) and [18-4003](https://legislature.idaho.gov/statutesrules/idstat/Title18/T18CH40/SECT18-4003), Idaho Code);

(m)  Rape, excluding statutory rape ([18-6101](https://legislature.idaho.gov/statutesrules/idstat/Title18/T18CH61/SECT18-6101), Idaho Code);

(n)  Ritualized abuse of a child ([18-1506A](https://legislature.idaho.gov/statutesrules/idstat/Title18/T18CH15/SECT18-1506A), Idaho Code);

(o)  Sexual exploitation of a child ([18-1507](https://legislature.idaho.gov/statutesrules/idstat/Title18/T18CH15/SECT18-1507), Idaho Code);

(p)  Unlawful use of destructive device or bomb ([18-3320](https://legislature.idaho.gov/statutesrules/idstat/Title18/T18CH33/SECT18-3320), Idaho Code);

(q)  Voluntary manslaughter ([18-4006](https://legislature.idaho.gov/statutesrules/idstat/Title18/T18CH40/SECT18-4006) 1., Idaho Code);

(r)  A violation of the provisions of section [37-2732](https://legislature.idaho.gov/statutesrules/idstat/Title37/T37CH27/SECT37-2732)(a)(1)(A), (B) or (C), Idaho Code, when the violation occurred on or within one thousand (1,000) feet of the property of any public or private primary or secondary school, or in those portions of any building, park, stadium or other structure or grounds which were, at the time of the violation, being used for an activity sponsored by or through such a school;

(s)  A violation of the provisions of section [37-2732B](https://legislature.idaho.gov/statutesrules/idstat/Title37/T37CH27/SECT37-2732B), Idaho Code, related to drug trafficking or manufacturing of illegal drugs.

**When Can I Use This Form?**

* If your juvenile offense was a **misdemeanor** or status offense and you were not committed to the Department of Juvenile Correction, you have to wait **1 year** from the date of termination of the continuing jurisdiction of the court, or after you turn 18, **whichever is later.**
* If your juvenile offense was a **felony**, you have to wait **5 years** from the date of termination of the continuing jurisdiction of the court, or after you turn 18, **whichever is later.**
* If you were committed to the Department of Juvenile Correction, you have to wait **5 years** from the date of termination of the continuing jurisdiction of the court, or after you turn 18, **whichever is later.**
* All fines and court costs must be paid in full before applying for expungement.

**Steps**

1. Complete the Petition and Order form.
2. Sign the Petition and Affidavit **in front of a notary**. (Can sign and notarize two versions of the Petition if unsure whether Prosecutor will agree to sign your Petition).
3. Take your completed forms to the Prosecutor’s Office (in the County where the offense was charged) to see if the Prosecutor will sign the Petition to indicate that the Prosecutor’s Office does not object to the expungement.
4. If the Prosecutor’s Office will not sign the paperwork, complete and use the Petition again using the alternate language for when you are unable to obtain the Prosecutor’s signature.
5. Get 5-6 envelopes **with postage** and address one envelope to yourself and address the other 4-5 envelopes to the parties and addresses listed on your Order.
6. Make a copy of the Petition for your records. Make enough copies of the Order for each person listed to receive a copy.
7. Take the original Petition, all 5-6 copies of the Order, all 5-6 copies of the Notice of Hearing (if needed) and your envelopes with postage to the Juvenile Court clerk in the County where your juvenile case was handled.
8. Ask the Juvenile Court clerk whether a hearing will be required (may need to call the clerk in 1-2 weeks if she does not know at the time of filing). If a hearing will be held, then move to step 9. If no hearing will be held, then move to step 12.
9. Complete the Notice of Petition and Hearing interactive form. Print the form and make enough copies for each person listed under the proof of mailing (should be 5-6 copies). Get 5-6 envelopes **with postage** and address one envelope to yourself and address the other 4-5 envelopes to the parties and addresses listed on your Notice of Petition and Hearing.
10. Take all 5-6 copies of the Notice of Petition and Notice of Hearing, along with 5-6 envelopes with postage, and file them with the Court.
11. Once the Judge sets a hearing date on your Petition, a copy of the Notice of Hearing will be mailed to you in the envelope you provided. Make sure to attend the hearing at the date and time listed on that notice.
12. If the Judge approves your Petition, a copy of the Order will be mailed to you in the envelope you provided.