

## **Expungement of Court and Arrest Records**

Criminal background checks have become a familiar part of the job application process, particularly in education, law enforcement, banking, childcare, and other fields where public trust plays an important role. Legislative changes have mandated criminal background checks for certain jobs; with others, employers cite a duty to provide a safe work environment as reason for using background checks. There are many cases where a job applicant can be put at a direct disadvantage by the results, even if her court or arrest record is several years old, describes a minor infraction, or reflects charges that were ultimately dismissed. The mere presence of a criminal record oftentimes means the loss of a job. In a related situation, a current employee who was not required to undergo a criminal background check when she was hired may be required to do so as part of a new business protocol. Jobs can be jeopardized when past criminal records are revealed.

For battered women, self-sufficiency often begins with finding and securing a job. If a woman has been arrested or charged with a crime in the past, expungement of court and arrest records will improve her chances of finding employment suited to her abilities and potential. This may apply to crimes or arrests made either independent of, or in connection to, a woman's experiences with her batterer. The expungement process provides an individual who meets certain criteria, established by law, with an opportunity to have her records "sealed" by a judge. Once sealed, the records are protected from public disclosure and can be reopened only by a court order under special circumstances. Sealed records will not be revealed to potential employers.

This technical assistance packet describes the detailed process of petitioning for an expungement of court and arrest records in Minnesota. Standardized petition forms are enclosed, as well as a sample cover letter for service of process, and a list of appropriate government and law enforcement agencies that should be notified of expungement proceedings.

**Attached:** Sample petitions and proposed orders for expungement, sample affidavits for filing "*in forma pauperis*" and proving service, sample cover letter for service, and list of agencies to be notified of expungement proceedings.

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## The Expungement Process

### 1) What is an Expungement Order?

Expungement occurs when a judge orders a court and/or arrest record sealed. Once the record is sealed, it is no longer available to the public, and agencies holding the sealed records cannot report their existence when asked. Law enforcement agencies and corrections officials may re-open sealed records for criminal investigations, prosecution or sentencing purposes, but only after obtaining permission through a court order.<sup>1</sup> Authorities subject to certain expungement orders include the Bureau of Criminal Apprehension (BCA), the Minnesota Attorney General's office, and appropriate attorneys, police and sheriff. Felons, misdemeanants, and persons arrested but not charged with a crime all have the opportunity to petition for expungement of their criminal and/or court records.

How does an expungement order work? If an employer requests a criminal background check from the BCA, for example, the Bureau would report that no record exists. If a police officer involved in the investigation of a new crime by an individual with an expunged record requests a check, the BCA would report a sealed record. The officer would then need a court order to open the record.

### 2) Court Authority and Expungement Orders

Minnesota courts have been given the authority to grant expungements of criminal and court records for two legal reasons, statute and case law. First, under Minnesota law, courts may order expungements for certain controlled substance offenses,<sup>2</sup> juvenile petty offenses,<sup>3</sup> if the juvenile was prosecuted as an adult,<sup>4</sup> and certain criminal proceedings that do not result in a conviction.<sup>5</sup> A criminal proceeding that did not result in conviction includes the court dismissing the charges or the jury finding the petitioner not guilty.<sup>6</sup> A verdict of not guilty by reason of mental illness is not a resolution in favor of the petitioner.<sup>7</sup>

Second, the court has the inherent authority, through case law, to grant the expungement of court and/or criminal records.<sup>8</sup> The court can expunge court and/or criminal records through two (2) separate and distinct tests. First, the court has the authority to order an expungement if the "petitioner's constitutional rights may be seriously infringed by retention of his records,"<sup>9</sup> however, a recent decision by the Minnesota Court of Appeals implied that loss of housing and employment because of a criminal or court record are not considered constitutional rights.<sup>10</sup>

The court also has the authority to expunge the court record if the benefit to the petitioner of granting the expungement order is greater than any potential disadvantages to the public from the elimination of the record and the burden of the court in issuing, enforcing, and monitoring an

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<sup>1</sup> Minn. Stat. § 609.03(7)(b)(1) (2004). Expunged records of a conviction may also be reopened by criminal justice agencies "evaluating a prospective employee . . . without a court order." *Id.* At § 609.03 (7)(b)(2).

<sup>2</sup> Minn. Stat. § 609A.02 (1) (2004).

<sup>3</sup> Minn. Stat. § 260B.007(16)(2004).

<sup>4</sup> Minn. Stat. § 609.A02(2)(2004).

<sup>5</sup> Minn. Stat. § 609A.02(3) (2004).

<sup>6</sup> Minn. Stat. § 299C.11(b)(2) (2004). The petitioner will still have an arrest record in these cases but they can be sealed by court order. See *State v. C.A.*, 304 N.W.2d 353, 359 (Minn. 1981) citing *In re Petition of F*, 256 N.W.2d 803, 805 (Minn. 1977).

<sup>7</sup> Minn. Stat. § 609A.02(3) (2004).

<sup>8</sup> *State v. C.A.*, 304 N.W.2d 353 (Minn. 1981).

<sup>9</sup> See *In re Petition of F*, 256 N.W.2d 803, 808 (Minn. 1977).

<sup>10</sup> *State v. Schultz*, 676 N.W.2d 337 (Minn. App. 2004).

expungement order.<sup>11</sup> This is called a “balancing test” and the court applies the “balancing test” to the facts of the petitioner’s case. For instance, if a person is unable to find housing or employment because of a criminal or court record, she may petition the court for an expungement of those records. The court may use this balancing test and decide that the petitioner’s burden of the court record on her search for housing and employment is greater than the public’s need to know about the past crime and the burden to society of keeping the records sealed.

The Minnesota Court of Appeals granted expungement to a woman who had an arrest for prostitution. She had received two degrees and attained a position of responsibility at a local corporation in the ten years since her arrest.<sup>12</sup> In this case, the court also said that the petitioner’s arrest was the result of “a desperate situation in which she found herself after leaving a physically abusive marriage.”<sup>13</sup> Together these facts convinced the court that the benefits of granting the expungement order outweighed any potential detriment to the community or the judicial system. In other cases, women arrested or charged with crimes of violence against their batterers have justified their actions as self-defense and proved to the court that their actions were the direct result of physical and emotional abuse.<sup>14</sup>

Unfortunately, when the court uses the balancing test the relief that the judge can grant is limited. For a discussion about what limited relief is available, please see section (g) of this document – Approval of Motion for Expungement.

### 3) Qualifying for an Expungement Order in Minnesota

Records qualifying for an expungement order include:<sup>15</sup>

- a) The petitioner was found not guilty and has a clean record for the past 10 years.<sup>16</sup>
- b) Charges against the petitioner were dismissed or a grand jury did not indict.<sup>17</sup>
- c) The petitioner was not convicted on a drug charge but did receive probation.<sup>18</sup>
- d) Petitioner was a juvenile prosecuted as an adult.<sup>19</sup>
- e) The petitioner was granted a "pardon extraordinary" by the Board of Pardons.<sup>20</sup>
- f) The petitioner committed a juvenile petty offense.<sup>21</sup>
- g) Any other circumstance where petitioner can demonstrate that the conviction stands in the way of the petitioner leading a productive life.<sup>22</sup>

<sup>11</sup> State v. P.A.D., 436 N.W.2d 808 (Minn. 1989).

<sup>12</sup> *Id.* at 808. See Minn. Stat. 609A.03(2)(5) and (6).

<sup>13</sup> State v. P.A.D., 436 N.W.2d at 809.

<sup>14</sup> Minn. Stat. § 624.712 defines a “crime of violence” to include, among other crimes, murder in the first, second and third degrees, manslaughter in the first, second and third degrees, felony violations of assault in the first, second, third and fourth degrees, and reckless use of a gun or dangerous weapon.

<sup>15</sup> Qualification criteria from Memorandum on Expungement, District of Minnesota, Fourth Judicial District.

<sup>16</sup> Minn. Stat. § 299C.11(b) (2004).

<sup>17</sup> Minn. Stat. § 299C.11(b)(2) (2004). The petitioner will still have an arrest record in these cases but they can be sealed by court order. See State v. C.A., 304 N.W.2d at 359 citing In re Petition of F., 256 N.W.2d at 805.

<sup>18</sup> Minn. Stat. § 609A.02(1) (2004). Note that successful completion of probation does not guarantee an order for expungement will be granted. See State v. Ranthum, 1996 Minn. App. LEXIS 892 \*1. Note: Unpublished opinions are not considered precedential; if citing to an unpublished opinion in a brief or memorandum you must provide a copy of the opinion to all other counsel so that they may respond. Minn. Stat. § 480A.08(3) (2004).

<sup>19</sup> Minn. Stat. § 609.A02(2)(2004).

<sup>20</sup> Minn. Stat. § 299C.11(e)(4) (2004).

<sup>21</sup> Minn. Stat. § 260B.007(16) (2004).

<sup>22</sup> See In re Petition of F., 256 N.W.2d at 808.

- h) The petitioner's constitutional rights may be seriously infringed by retention of the records.<sup>23</sup>

Records not qualifying for an expungement order include:

- a) Police reports (logs of police activity) made in connection with an arrest.<sup>24</sup> Records of arrest and criminal charges, however, can be expunged (see above).
- b) Records existing on audiotape.<sup>25</sup>
- c) Offenses requiring registration (primarily sexual assault convictions).<sup>26</sup>
- d) DNA samples and DNA records obtained in relation to a charge "supported by probable cause."<sup>27</sup>

#### 4) **Petitioning for an Expungement Order**

There are seven main steps in the expungement petition process:<sup>28</sup>

- a) Completion of forms;
- b) Compiling affidavits of support;
- c) Setting a hearing date and time;
- d) Service of process to the appropriate agencies and individuals;
- e) Filing the petition and proposed order;
- f) Filing the affidavit for Proceeding in Forma Pauperis (if applicable); and
- g) Court order issued and 60-day waiting period.

##### **a) Completion of Forms**

Two forms are necessary to file for an expungement order: 1) the petition for expungement and 2) the proposed order itself. In Hennepin and Ramsey counties, these forms are available from the District Court Clerk's office. In other counties, forms may be generated using the samples provided in the appendix of this technical assistance packet.

Expungement of court and/or criminal records is considered an extraordinary remedy under Minnesota law therefore an order can only be granted when a petitioner proves by a standard of clear and convincing evidence that her request will yield a benefit that outweighs the burdens on the public and the judicial system.<sup>29</sup> A petitioner should provide the court with as much evidence to support her motion as possible -- for example, proof that the existence of court records have hindered petitioner from obtaining employment or applying for a professional license is important to include.<sup>30</sup>

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<sup>23</sup> See *Id.*

<sup>24</sup> See *State v. L.K.*, 359 N.W.2d 305, 308 (Minn. 1984). Police reports "merely summarize the facts surrounding an event and constitute a necessary log of police activity." *Id.*

<sup>25</sup> *State v. C.A.*, 304 N.W.2d at 359.

<sup>26</sup> Minn. Stat. § 609A.02(4) (2004).

<sup>27</sup> Minn. Stat. §§ 299C.11(e), 609A.03(7)(a) (2004).

<sup>28</sup> Filing procedure from Memorandum on Expungement, District of Minnesota, Fourth Judicial District.

<sup>29</sup> Minn. Stat. § 609A.03(5) (2004).

<sup>30</sup> See *Ognum v. Minnesota*, 1996 Minn. App. LEXIS 1429 \*1. See *supra* note 10 in reference to use of unpublished opinions. In *Ognum* the petitioner who brought a motion to expunge a 1977 misdemeanor conviction for simple assault and several arrests (without convictions) was denied an order because he did not provide the court with sufficient evidence of harm. *Id.* at \*3.

## **b) Affidavits of Support**

The petitioner should collect affidavits of support for an expungement order from members of her community. This may include current or former employers, teachers, spiritual advisors, colleagues, or other individuals aside from relatives who can attest to the petitioner's ability to make a positive contribution to the community. There is no limit on the number of affidavits a petitioner may include in her petition, but two or three strong recommendations should be sufficient for minor offenses. The more serious the conviction that a battered woman is asking to expunge, however, the greater the need for more affidavits to prove to the court that an expungement order should be granted.

The affidavits should identify how the writer knows the woman. The affidavits should also talk about the woman's contributions to the school, community, workplace, etc. and provide information about the woman being a good mother, a good worker, a good community member.

## **c) Setting a Hearing Date and Time**

Call the office of the judge who handled the charge or conviction that the petitioner wants to expunge. Judges' telephone numbers are listed in the Minnesota Secretary's Handbook or go to the county courthouse to set a hearing date and time. If the specific judge is no longer available because s/he is no longer on the bench or is now in a different district, the petitioner should contact the Chief Judge in the district where the conviction occurred. Check with the administrative staff at the county courthouse for further instructions.

## **d) Service of Process**

Once the petition is completed, the petitioner should serve -- notify -- all applicable state and local agencies whose records will be impacted by an expungement order (see contact list and sample cover letter in appendix). The petitioner must also serve the attorney for each agency and jurisdiction, meaning the state and county where the arrest or crime took place (see contact list in appendix).<sup>31</sup> The petitioner must provide each of the above parties with the following:

- 1) Copies of the proposed order (do not send the original!);
- 2) Date and time of the hearing;
- 3) Copies of the petition and all affidavits of support;
- 4) Copy of letter for Service of Process.

Service does not need to be made in person -- it may be made by first class mail to all parties.<sup>32</sup>

## **e) Filing Petition and Proposed Order**

Once the petitioner has served all the appropriate agencies and attorneys, the original petition and proposed order should be filed with the District Court Clerk's office. The petitioner will need to provide proof at this time that service has been made (i.e. certified mail receipts or affidavits of service -- see appendix). A filing fee of \$132 will be required. However, if the petitioner is represented by a public defender or meets certain income requirements she may file

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<sup>31</sup> Minn. Stat. § 609A.03(3) (2004).

<sup>32</sup> Minn. Stat. § 609A.03(3) (2004).

an Affidavit for Proceeding In Forma Pauperis at this time. If the petitioner is granted "pauper" status, the state will pay her court fees and costs. See below for a brief explanation of this process, or the technical assistance packet entitled "Qualifying for 'In Forma Pauperis' Status in Legal Proceedings" for further details.

**f) Filing an Affidavit for Proceeding in *Forma Pauperis***

Minnesota state law recognizes that insufficient funds should not preclude an individual from commencing or defending against a valid civil claim, such as a motion for expungement.<sup>33</sup> The affidavit for Proceeding *In Forma Pauperis* (see sample in appendix) must be signed by a notary public and should include the following:

- 1) The nature of the action, defense, or appeal;
- 2) A statement that the affiant (person submitting the affidavit) believes she is entitled to legal redress; and
- 3) Proof that the affiant has insufficient financial resources to pay fees, costs and security for costs.<sup>34</sup>

Proof of insufficient financial resources includes receipt of public assistance (GA or MFIP-S), loss of job, representation by legal aid or a volunteer attorney, excessive and ongoing medical expenses, lack of savings or valuable assets, and annual income less than 125 percent of poverty line.<sup>35</sup> Expenses covered include costs and fees required by the court administrator and sheriff's office, reasonable expenses for witnesses who have evidence relevant to the case and are in the state, costs associated with depositions and transcripts, and costs incurred on appeal in obtaining the record and reproducing appellate briefs.<sup>36</sup>

**g) Approval of Motion for Expungement**

After the judge has reviewed and approved a motion for expungement, she will sign the proposed order provided by the petitioner. Records are held both by the court and by other non-judicial agencies. When an expungement order is granted either by statute or because of an infringement of constitutional rights, both the court records and the criminal records held by outside agencies will be sealed. Once the order is signed, the clerk's office in the District Court will send a copy of the signed order granting the expungement to all of the agencies previously notified by service.<sup>37</sup> A person, agency or jurisdiction whose records will be affected has 60 days from the date of the service of the order to appeal; during this time period any signed order is stayed, meaning it will not be enforced.<sup>38</sup> If 60 days pass without an appeal then the expungement order will go into effect and the petitioner's records will be sealed from the public.

However, in the instance where the court applies the "balancing test" and grants an expungement order for circumstances not infringing upon constitutional rights, only the **court records** will be sealed and not the criminal records. Under this circumstance, the court's power

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<sup>33</sup> Minn. Stat. § 563.01 (2004).

<sup>34</sup> Minn. Stat. § 563.01(3) (2004).

<sup>35</sup> The poverty line is established under 42 U.S.C. § 9902(2) (2004).

<sup>36</sup> Minn. Stat. § 563.01 (2004).

<sup>37</sup> Memorandum, District of Minnesota, Fourth Judicial District and Minn. Stat. § 609A.03(9) (2004).

<sup>38</sup> Minn. Stat. § 609A.03(8) (2004).

does not extend to outside agencies and the court cannot order these agencies to seal the criminal record.<sup>39</sup>

If the judge denies the motion for expungement, the petitioner can wait and return to the court at a later date with a new motion to expunge. The woman will want to have new, additional and/or different information to present to the judge on why her request for an expungement should be granted since it will be the same judge who will consider her next motion for expungement.

## 5) Conclusion

Job applicants with court and arrest records often encounter "roadblocks" in the hiring process and may be forced to settle for low wages from an employer who knows the applicant will have difficulty finding work elsewhere. While employers are generally prevented from questioning potential employees about arrest records,<sup>40</sup> the Equal Employment Opportunity Commission allows employers to use convictions as a cause for rejection.<sup>41</sup> Expungement of court and arrest records will help job applicants find employment, apply for professional licenses, or engage in any other activity requiring a background check.

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<sup>39</sup> State v. Schultz, 676 N.W.2d 337 (Minn. App. 2004).

<sup>40</sup> Law at Work, Vol. 2 No. 2 Spring 1996 by Richard L. Connors. See Gregory v. Litton Sys. Inc., 316 F. Supp. 401, 402-03 (C.D. Cal. 1970).

<sup>41</sup> Law at Work, *supra* note 28. Before rejecting an applicant based on a past conviction, the EEOC requires an employer to fully consider the "(1) nature and gravity of the offense; (2) time passed since conviction and/or completion of sentence; and (3) nature of the job sought."

### **Minnesota Agencies to be Notified of Expungement Proceedings**

- 1) Superintendent  
Bureau of Criminal Apprehension  
1430 Maryland Avenue East  
St. Paul, MN 55106
- 2) Minnesota Department of Public Safety  
Central Office  
Town Square  
444 Cedar Street  
St. Paul, MN 55101  
(651) 282-6565
- 3) City Attorney representing the city where the crime/arrest occurred.
- 4) Police Department of the city where the crime/arrest occurred.
- 5) Sheriff's Department of the county where the request for expungement is being made.
- 6) Criminal Division of the County Attorney where the request for expungement is being made.
- 7) Department of Community Corrections where the request for expungement is being made.

**Sample Petition for Expungement**

(Note: Hennepin and Ramsey Counties have forms available at District Court.  
This form is adapted from the Hennepin County form and may be used in other counties)

**STATE OF MINNESOTA**  
**COUNTY OF \_\_\_\_\_**  
(county name here)

**DISTRICT COURT**  
**\_\_\_\_\_ JUDICIAL DISTRICT**  
(district number available from court)

State of Minnesota

\_\_\_\_\_  
Defendant

vs.

\_\_\_\_\_  
(print full name here) Plaintiff

**PETITION  
FOR  
EXPUNGEMENT**

Case File No: \_\_\_\_\_  
(obtain from court)

**STATE OF MINNESOTA**  
\_\_\_\_\_)ss.  
**COUNTY OF \_\_\_\_\_**  
(county name here)

I state under oath that:

1. I qualify for an expungement because (select all that apply):

\_\_\_ A criminal case against me for a controlled substance violation has been dismissed and the proceedings have been discharged;

\_\_\_ I was certified or referenced for prosecution as an adult for a crime I committed when I was a juvenile;

\_\_\_ A criminal matter was resolved in my favor (i.e., no finding of guilt; no conviction; no pleas of guilty);

\_\_\_ I was convicted of a crime but have rehabilitated myself.

\_\_\_ Other (Explain): \_\_\_\_\_

**Sample Petition for Expungement**  
**continued**

2. **Full Name**
3. **All Other Legal Names or Aliases Used**
4. **Date of Birth**
5. **Current Address**
6. **Past Addresses Since Date of Offense(s):** (Use as much space as necessary to list all addresses). Give street address, city, state and zip code
7. **Criminal Conviction Record:** Including all misdemeanors, gross misdemeanors or felonies in Minnesota, other states, federal court or foreign countries: (use as much space as necessary to list all previous arrests offenses). Give date(s) of the arrest(s)/offense(s), city(ies) and county(ies) where they took place, the court file number for each occurrence, and the dates of conviction(s) and/or dismissal(s).
8. **Give Details of the Offense(s)/Arrest(s) for Which Expungement is Sought:**
  - a) Date of arrest
  - b) City and county where arrested
  - c) Law enforcement agencies involved
  - d) Type of charge
  - e) Court file number
  - f) Disposition of case (convicted/dissmissed/other)
9. **Have you ever requested an expungement or sealing of a criminal record prior to this date?** If yes, give date of request and whether the request was granted.
10. **Have you ever requested a return of your arrest records?** If yes, give date of request and whether the request was granted.
11. **Have you ever requested a pardon prior to this date?** If yes, give date of request and whether the request was granted.
12. **Have you ever had a stay of adjudication?** If yes, give date of stay and the type of crime.
13. **Have you ever had a stay of imposition?** If yes, give date of imposition and the type of crime.

**Sample Petition for Expungement**  
**continued**

14. **In the case of a conviction, explain why the expungement is sought (i.e. employment, licensure) and why it should be granted.**
15. **In the case of a conviction, please give information on any steps taken towards personal rehabilitation (i.e. treatment, work, other personal history).**
16. **Your signature. NOTE: The petition must be signed under oath and notarized.**

**Signature of petitioner** \_\_\_\_\_

Subscribed and sworn before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
(Notary Public)

**Sample Proposed Order**

(Note: Hennepin and Ramsey Counties have forms available at District Court.  
This form is adapted from the Hennepin County form and may be used in other counties.  
Create an order for each proposed expungement of records)

**STATE OF MINNESOTA**  
**COUNTY OF \_\_\_\_\_**  
(county name here)

**DISTRICT COURT**  
**\_\_\_\_\_ JUDICIAL DISTRICT**  
(district number available from court)

State of Minnesota

\_\_\_\_\_  
(your name here)          Plaintiff

**Order to Expunge  
Criminal Records  
Pursuant to Minn. Stat. § 609A.03**

vs.

\_\_\_\_\_  
Defendant

D.C. File No: \_\_\_\_\_  
(obtain from court)

This matter came before the Court on a petition pursuant to Minn. Stat. § 609A.02 and 609.03, for an Order expunging petitioner's criminal records.

Based on all the files, records, proceedings, and the sworn statements contained in the petition, the contents of which are incorporated herein by reference.

**IT IS ORDERED**

1. All parties and entities named below shall seal records from the following incident:

Arrestee/Defendant: \_\_\_\_\_

Arrestee/Defendant Date of Birth:  
\_\_\_\_\_

Date of Arrest/Alleged Offense:  
\_\_\_\_\_

Charge:  
\_\_\_\_\_

Law Enforcement Agency/Agencies: \_\_\_\_\_

Court File Number: \_\_\_\_\_

**Sample Proposed Order**

**continued**

2. All parties and entities named below shall seal their records according to the following requirements:
  - A. All records relating to the arrest, charging indictment, or trial of petitioner shall be sealed. The existence of the records shall not be disclosed to anyone except as authorized by court order or statute. These records include, but are not limited to finger, thumb and palm prints, photographs, distinctive physical mark identification data, arrest logs or criminal history reports listing the arrest of petitioner, computer entries listing the arrest or charging of petitioner. DNA samples, if any, shall not be sealed or otherwise expunged.
  - B. Parties and entities subject to this Order shall also send a request to any agencies to which records above have been provided, including the Federal Bureau of Investigation and the National Crime Information Center, to seal the records in their possession.
  - C. All sealed records shall remain sealed and undisclosed unless disclosure is authorized by court order or specific statutory authority.
  - D. No records shall be destroyed or returned to petitioner.
3. The Court Administrator shall forthwith mail a copy of this Order to all parties and entities subject to this Order.
4. Parties and entities subject to this Order are as follows:
  - a) Minnesota Bureau of Criminal Apprehension
  - b) \_\_\_\_\_ Police Department  
(city where arrest/offense occurred)
  - c) \_\_\_\_\_ County Sheriff's Office  
(county where expungement request made)
  - d) \_\_\_\_\_ City Attorney  
(city where arrest/offense occurred)
  - e) \_\_\_\_\_ County District Court Administrator  
(county where expungement request made)
  - f) \_\_\_\_\_ County Department of Community  
(county where expungement request made) Corrections

**Sample Proposed Order**  
**continued**

This includes all employees, agents and contractors working for these agencies.

5. This Order is stayed sixty (60) days from the date of filing to allow any affected party to file an appeal. If any appeal is filed, this Order is stayed during the pendency of that appeal.

BY THE COURT:

Dated: \_\_\_\_\_

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

**Sample Cover Letter for Service of Process**

Date

Address of Agency  
or Department to be Notified

To Whom it May Concern:

This letter is notice that you have been served. Attached please find copies of my Petition for Expungement with affidavits of support and Proposed Order to Expunge Criminal Records filed at the \_\_\_\_\_ (county name here) County District Court on \_\_\_\_\_ (date). A hearing on this matter has been set for \_\_\_\_\_ (time) on \_\_\_\_\_ (date) in front of Judge \_\_\_\_\_ (judge's name).

Sincerely,

Your Signature

Your Name  
Address



**Sample Motion for Permission to Proceed In Forma Pauperis**

**STATE OF MINNESOTA**  
**COUNTY OF** \_\_\_\_\_  
(county name here)

**DISTRICT COURT**  
**JUDICIAL DISTRICT** \_\_\_\_\_  
(district number available from court)

**MOTION FOR PERMISSION  
TO PROCEED  
IN FORMA PAUPERIS**

\_\_\_\_\_  
Plaintiff

v.

\_\_\_\_\_  
Defendant

File No: \_\_\_\_\_  
(obtain from court)

Upon the authority of Minn. Stat. 563.01, and upon the attached affidavit of petitioner, the undersigned moves the Court for an order:

1. Directing the District Court Administrator to file petitioner's pleadings in the above-entitled proceeding and provide to petitioner one certified copy of court orders or judgments, without charge to the petitioner.
2. Directing the sheriff of the county in which the respondent may be found to effect personal service of pleadings and court orders or judgments in the above entitled proceeding without charge to the petitioner.
3. Directing the District Court Administrator to pay the reasonable expense of service by publication if it is not possible to effect personal service of petitioner's pleadings upon the respondent.
4. Directing the District Court Administrator to pay the reasonable expense of service by the sheriff who affects personal service of petitioner's pleadings on the respondent, if the respondent is served outside the State of Minnesota.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name