

**ADVISEMENT FOR JUVENILE DEFENDANTS REGARDING
EXPUNGEMENT OF YOUR RECORD**

- A. AURORA MUNICIPAL TRAFFIC VIOLATIONS:** Traffic violations are not eligible for expungement.
- B. AURORA MUNICIPAL CRIMINAL OFFENSES:**

JUVENILE EXPUNGEMENT:

Pursuant to C.R.S. 13-10-115.5, after full completion of a juvenile’s sentence or the case is closed, the Court will send notice to the prosecuting attorney that all records in a case charging a juvenile with a violation of the Aurora Municipal Code (excluding traffic violations) will be expunged within forty-two (42) days.

If the prosecuting attorney does NOT file an objection within forty-two (42) days after receipt of the notice, the Court will order all records in the custody of the Court and any other records related to the juvenile case and charges in the custody of any other agency, person, company or organization expunged.

If the prosecuting attorney files an objection within forty-two (42) days after receipt of the notice by the Court, the Court shall schedule a hearing on the issue of the expungement. The Court will send notice of the hearing to the juvenile’s last known address. The juvenile defendant has the right to appear at the hearing and to present evidence to the Court in writing prior to the hearing. At the hearing, the Court will consider whether the juvenile has been rehabilitated and whether the expungement is in the best interest of the juvenile and community. The juvenile is not required to appear at the hearing. There are no additional costs for the hearing.

If the Court enters an order of expungement, the Court will order the following agencies to expunge their records: Aurora Police Department, Aurora Municipal Court, Aurora City Attorney’s Office, Aurora Teen Court (if applicable), Aurora Probation Department (if applicable), the Juvenile Assessment Center (if applicable) and Colorado Bureau of Investigation (if applicable).

If the juvenile defendant requests that additional persons, organizations, companies or agencies be ordered to expunge their records, the juvenile defendant, the juvenile’s attorney or the juvenile’s parent or legal guardian may, within seven (7) days after the completion of the sentence or the case being closed, submit a list to the Court with the name, address, fax number and email address of each party that shall be ordered to expunge their records. Additionally, the juvenile or his/her parent or legal guardian may also provide a copy of the order to any other custodian of records subject to the order

When an expungement order is issued, the Court shall send a copy of the order to the juvenile and the juvenile’s last attorney of record.

MOTIONS THAT MAY BE MADE IN THE DISTRICT COURT:

In the event that the Aurora Municipal records have not been expunged pursuant to the above procedure, any individual may petition the Juvenile Court in the Judicial District where the offense occurred to expunge records of the Aurora Municipal Court. In the District Court, expungement proceedings must be initiated by the filing of a petition requesting an order of expungement. A filing fee, notarization or other formalities are not required. If the District Court petition is not granted without a hearing, the District Court shall set a date for a hearing on the petition for expungement and notify the prosecuting attorney.

Acknowledge Receipt-Defendant

Date

Defendant’s Parent/Guardian

Summons Number

Defendant’s Address

Defendant’s Email (if available)

See Reverse Side for Advisement on Paying fines and costs

FAILURE TO PAY FINES AND COSTS

If you cannot pay your fine and costs upon sentence, you will be given an opportunity to set up a payment plan with the court clerk's office. If you cannot make a payment when due, you must contact the clerk's office in person on or before the payment due date to explain why you are unable to pay the amount ordered, at which time you may request a modification or reduction of the payment plan, OR you may appear in court on or before the payment due date to request that a Judge order a modification, a reduction of the payment plan, or an alternative sentence other than incarceration. If you have not made a payment when due or have not appeared on or before the due date for any payment at the clerk's office or in court, the monetary obligation could result in a jail sentence, if it appears to the court that you, the defendant, have the ability to pay the fine and costs without undue hardship to yourself or your dependents, but have willfully failed to pay the monetary amount. In that situation, you will be served with a contempt of court citation, whereby if after a hearing before a judge, you are found in contempt of court, you can be sentenced to a period of up to fifteen (15) days in jail.

Please note, these provisions do not apply for the payment of TRAFFIC INFRACTIONS. A failure to pay those fines and costs will result in a notice to the Department of Revenue-Motor Vehicle Division, which may result in additional costs and loss of driving privileges.