SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY, JUVENILE COURT

DESTRUCTION OF RECORDS
A.R.S. § 8-349 (B)

If you are 18 years old or older, you may apply for destruction of Juvenile Court and Arizona Department of Juvenile Corrections delinquency records IF the records concern a referral or citation that did not result in further action or that resulted in diversion, placement in a community based alternative program OR an adjudication of delinquency as identified below.

In your affidavit and application, you must certify under oath that all of the following are true:

- you are at least 18 years of age.
- you have not been convicted of a felony offense (in an adult court) or adjudicated delinquent (in juvenile court) for an offense listed in A.R.S. 13-501 subsection A or B (see below) or Title 28 Chapter 4 (driving under the influence).
  - A.R.S. 13-501 subsection A offenses: first degree murder, second degree murder, forcible sexual assault, armed robbery, violent felony offense, felony offense committed by a chronic felony offender.
  - A.R.S. 13-501 subsection B offenses include: class 1 felony, class 2 felony, class 3 felony (violation for any offense in chapter 10 through 17 or chapter 19 or 23), class 3, 4, 5, or 6 felonies involving intentional or knowing infliction of serious physical injury or the discharge, use, or threatening exhibition of a deadly weapon or dangerous instrument, and felony offenses committed by chronic felony offender.
- a criminal charge is not pending against you in adult court.
- you have completed all of the conditions of your juvenile-court ordered probation, or received a discharge from the Arizona Department of Juvenile Corrections pursuant to A.R.S. § 41-2820 on successful completion of your individualized treatment plan.
- all restitution and monetary assessments have been paid in full.

Pursuant to Administrative Order of the Juvenile Court 2001-03 ALL monetary fees & assessments must have been paid in full, including ALL monetary fees & assessments owed by the parent or guardian of the juvenile.

DESTRUCTION OF RECORDS
A.R.S. § 8-349 (D)

If you are 25 years of age or older but could not apply for the destruction of records under A.R.S. § 8-349(B) (above), you may apply for destruction of Juvenile Court and Arizona Department of Juvenile Corrections delinquency records as identified below.

In your affidavit and application you must certify under oath that all of the following are true:

- you are at least 25 years of age.
- you have not been convicted of a felony offense in an adult court.
- a criminal charge is not pending against you in an adult court.
- you have completed all of the conditions of your juvenile-court ordered probation, or received a discharge from the Arizona Department of Juvenile Corrections pursuant to A.R.S. § 41-2820 on successful completion of your individualized treatment plan.
- all restitution and monetary assessments have been paid in full.

Pursuant to Administrative Order of the Juvenile Court 2001-03 ALL monetary fees & assessments must have been paid in full, including ALL monetary fees & assessments owed by the parent or guardian of the juvenile.

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SETTING ASIDE ADJUDICATIONS
A.R.S. § 8-348

If you are at least 18 years of age, have been adjudicated delinquent or incorrigible, and have fulfilled the conditions of probation and discharge that were ordered by the juvenile court or discharged from the department of juvenile corrections pursuant to § 41-2820 on successful completion of your individual treatment plan, you may apply to set aside the adjudication.

You are NOT eligible to apply to set aside the adjudication if you were adjudicated delinquent for any of the following offenses:

- an offense involving the infliction of serious physical injury.
- an offense involving the use or exhibition of a deadly weapon or dangerous instrument.
- an offense in violation of title 13, chapter 14 (sexual offenses).
- an offense in violation of section 28-1381 (driving under the influence), 28–1382 (driving under the extreme influence), 28-1383 (aggravated driving under the influence); or 28-3473 (driving on a suspended license).
- a traffic violation under title 28, chapter 3 (various traffic offenses--See 8-348.D.5).

In the affidavit and application you must certify under oath that <u>all</u> of the following are true:

- you are at least 18 years of age.
- the offense was not in violation of the above stated statutes.
- you have not been convicted of a criminal offense in an adult court.
- you do not have a criminal charge pending in an adult court.
- you have completed all of the conditions of your court ordered probation or received a discharge from the Arizona Department of Juvenile Corrections upon successful completion of your individualized treatment plan.
- all restitution and monetary assessments have been paid in full.

RESTORATION OF CIVIL RIGHTS
A.R.S. § 13-912.01

You may apply for the restoration of your civil right to carry a gun or firearm as set forth below:

In the affidavit and application you must certify under oath that <u>one</u> of the following is true

- If you were adjudicated delinquent for a dangerous offense under A.R.S. § 13-704, a serious offense as defined in A.R.S. § 13-706, burglary in the first degree, burglary in the second degree, or arson, you must certify that you have reached age 30.
  - A dangerous offense under A.R.S. § 13-704 means "an offense involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument or the intentional or knowing infliction of serious physical injury on another person (see A.R.S. § 13-105(13)).
  - Serious offenses under A.R.S. § 13-706 include: first degree murder, second degree murder, manslaughter, aggravated assault resulting in serious physical injury or involving the discharge, use, or threatening exhibition of a deadly weapon or dangerous instrument, sexual assault, any dangerous crime against children, arson of an occupied structure, armed robbery, burglary in the first degree, kidnapping, or sexual conduct with a minor under 15 years of age, and child prostitution.
- If you were adjudicated delinquent for any other <u>felony</u> offense with a date of offense on or after July 17, 1994, you must certify that it has been two years since you were discharged from probation after being adjudicated delinquent.

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- If you were adjudicated delinquent for a misdemeanor offense with a date of offense on or after July 17, 1994 and before September 21, 2006, you must certify that it has been two years since you were discharged from probation after being adjudicated delinquent.

NOTE: If you were adjudicated delinquent for a misdemeanor with a date of offense either before July 17, 1994 or on or after September 21, 2006, you did not lose your civil rights to carry a gun or firearm (except perhaps during your term of probation or commitment to the Department of Juvenile Corrections), so you do not need to have those rights restored. See A.R.S. §§ 8-341(R) and 13-904(H) (as revised from time to time).

INSTRUCTIONS:

1. Read all materials prior to filing to determine if you meet the requirements for the request you are making.
2. Complete the affidavit and application form **legibly**. It must be NEAT and READIBLE.
3. Sign the application. It does **not** have to be notarized.
4. **You must file the original and two (2) copies** of the affidavit and application with the Clerk of the Court, Juvenile Division, at 3131 West Durango Street, Phoenix, Arizona 85009 OR 1810 South Lewis Street, Mesa, Arizona 85210.

   Copies can be purchased from the Clerk of the Court for 50 cents per page.

   The County Attorney shall be served with a copy of the Application for Destruction of Records and has up to 90 days within which to file an objection to the destruction of your juvenile records. The Clerk of the Court will serve the County Attorney.

5. Make or purchase a copy of the affidavit and application before filing if you want one for your records.

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY
JUVENILE COURT

IN THE MATTER OF:

JV_____
(if applicable)

_____
(Applicant's Name)

JF_____

AFFIDAVIT AND APPLICATION FOR DESTRUCTION OF DELINQUENCY RECORDS, SETTING ASIDE ADJUDICATION, and/or RESTORATION OF CIVIL RIGHTS

(USE BLACK INK; PRINT LEGIBLY)

First Name _____ Middle Name _____ Last Name _____

Street Address _____ Mailing Address (If different) _____

City, State, Zip Code _____ City, State, Zip Code _____

Date of Birth: _____ Phone Number: (_____) _____

Police Agencies to be notified (for Destruction of Records Applicants ONLY) _____

_____

I apply for the relief indicated below and certify under penalty of law that the following is true (as marked):

☐ **I request the destruction of juvenile records (including Arizona Department of Juvenile Corrections records) pursuant to A.R.S. § 8-349(B) and state that all of the following are true:**

- I am at least 18 years of age; and
- I have not been convicted of a felony offense (in an adult court) or adjudicated delinquent (in juvenile court) for an offense listed in A.R.S. 13-501 subsection A or B or Title 28 Chapter 4; and
- A criminal charge is not pending against me in an adult court; and
- I have successfully completed all of the conditions of court-ordered probation, OR I have received an absolute discharge from the Arizona Department of Juvenile Corrections pursuant to A.R.S. § 41-2820 on successful completion of my individualized treatment plan; and
- All restitution and monetary assessments have been paid in full, by me and my parents or guardian.

☐ **I request the destruction of juvenile records (including Arizona Department of Juvenile Corrections records) pursuant to A.R.S. § 8-349(D) and state that all of the following are true:**

- I am at least 25 years of age; and
- I have not been convicted of a felony offense (in adult court); and
- A criminal charge is not pending against me in an adult court; and

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- I have successfully completed all of the conditions of court-ordered probation, or I have received an absolute discharge from the Arizona Department of Juvenile Corrections pursuant to A.R.S. § 41-2820 on successful completion of my individualized treatment plan; and
- All restitution and monetary assessments have been paid in full, by me and my parents or guardian.

☐ **Pursuant to A.R.S. § 8-348, I request the Court to set aside the adjudication on the petition filed on** _____ and that I be released from all penalties and disabilities resulting from that adjudication, except those imposed by the Department of Transportation pursuant to A.R.S. §§ 28-3304, 28-3306, 28-3307, or 28-3308. **(Note: You must enter a specific date. Requests for the Court to set aside "ALL" adjudications will be denied.)**

- I am at least 18 years of age; and
- The offense was not in violation of statutes identified in A.R.S. § 8-348 (D); and
- I have not been convicted of any criminal offense in an adult court; and
- I do not have a criminal charge pending in an adult court; and
- I have successfully completed all of the conditions of my court-ordered probation or I have received an absolute discharge from the Arizona Department of Juvenile Corrections pursuant to A.R.S. § 41-2820 on successful completion of my individualized treatment plan; and
- All restitution and monetary assessments have been paid in full, by me and my parents or guardian

☐ **I request the court restore my civil right to carry or possess a gun or firearm pursuant to A.R.S. § 13-912.01. The statement below is true (choose only one):**

☐ I have reached age 30. *OR*

☐ It has been at least two years since I was discharged from probation after being adjudicated delinquent, and I have not been adjudicated delinquent for a dangerous offense under A.R.S. § 13-704, a serious offense as defined in A.R.S. § 13-706, burglary in the first degree, burglary in the second degree, or arson.

I verify **under the penalty of perjury** that the foregoing information is true and correct to the best of my knowledge and belief.

_____ _____

Signature Date

INSTRUCTIONS:

1. Read all materials prior to filing to determine if you meet the requirements for the request you are making.
2. Complete the affidavit and application form **legibly.**
3. Sign the application. It does **not** have to be notarized.
4. **You must file the original and two (2) copies** of the affidavit and application with the Clerk of the Court, Juvenile Division, at 3131 West Durango Street, Phoenix, Arizona 85009 OR 1810 South Lewis Street, Mesa, Arizona 85210.

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