

SETTING ASIDE JUVENILE ADJUDICATION

INSTRUCTIONS: HOW TO COMPLETE THE APPLICATION FORM

1. The form may be completed by the applicant, the applicant's attorney, or the applicant's probation or parole officer. An attorney is not required.
2. Determine if you meet the requirements for the request you are making. (See *Legal Requirements for Setting Aside Adjudications* document.)
3. Complete the Application form **legibly**.
4. Sign the Application.
5. **You must file the original and two (2) copies** of the Application with the superior court clerk (clerk) in the county where you were adjudicated.
6. **The clerk will transmit a copy of the Application to the prosecutor.**
7. The clerk will return one copy of the Application for **your records**.
8. In **BLACK OR BLUE INK**, please complete the form following the instructions below.

If you have been adjudicated in more than one county, you must file a separate Application with the clerk in each county in which you were adjudicated.

You may obtain your case number(s) from the clerk in the county in which you were adjudicated.

Heading: At the top of the form, please fill in your name; mailing address (if address is not protected), city, state, zip code, telephone number and email address. If you are an attorney filing on behalf of the applicant fill in your State Bar Number.

Fill in your first and last name on the line above "Applicant."

Fill in your date of birth on the line above "Applicant's Date of Birth."

Fill in your case number(s) on the line after "JV."

If you are requesting that the court modify your monetary obligations, check the box before "Request to Modify Monetary Obligations."

Check the appropriate box to indicate whether you are completing the application yourself or your attorney or other representative is completing for you.

STATEMENTS TO AND REQUEST(S) OF THE COURT

Check all boxes that are **true**.

If the monetary obligations are not paid in full, you may explain to the court the reasons for requesting that the monetary obligations (except victim restitution) be modified in this section.

NOTE: If an application to set aside an adjudication is granted, all remaining unpaid monetary obligations continue to be owed.

Date and sign the form.

AUTHORIZATION TO PROCEED ON BEHALF OF APPLICANT

If the applicant has authorized an attorney, probation or parole officer to petition the juvenile court on the defendant's behalf, fill out this section.

Fill in the applicant's first and last name and check the box as to who the "Applicant" is in this matter.

Fill in the name of the county in which this juvenile court is located.

Date and sign the application. If your attorney or other representative completed the application both you and the representative must sign it.

Person Filing: _____
Mailing Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
If Attorney, State Bar Number: _____



**SUPERIOR COURT OF ARIZONA
IN YAVAPAI COUNTY**

In the Matter of:

Case Number(s): JV _____

(Applicant's Name)

**APPLICATION TO SET ASIDE
JUVENILE ADJUDICATION**

(A.R.S. § 8-348)

(Applicant's Date of Birth)

**[] Request to Modify Monetary
Obligations**

Applicant is: [] Self [] Attorney for Applicant [] Probation or Parole Officer

**(USE BLACK OR BLUE INK: PRINT LEGIBLY)
STATEMENTS TO AND REQUEST(S) OF THE COURT**

I request the court set aside the adjudication(s) on the petition(s) in this/these case number(s) and that the court dismiss the petition(s) and I be released from all penalties and disabilities resulting from the adjudication, **except** unpaid monetary obligations in this case, or penalties imposed by the Department of Transportation pursuant to A.R.S. §§ 28-3304, 28-3306, 28-3307, 28-3308, or 28-3319.

Check all that are true.

[] I am at least **18** years of age and no longer under the jurisdiction of the juvenile court or the Department of Juvenile Corrections.

[] I was not adjudicated delinquent for any of the following:

- A dangerous offense as defined in A.R.S. § 13-105;

- An offense for which there has been a finding of sexual motivation pursuant to A.R.S. § 13-118;
- An offense in violation of title 13, chapter 14;
- An offense in violation of A.R.S. §§ 28-1381, 28-1382, or 28-1383 (DUI) if the offense can be alleged as a prior violation pursuant to title 28, chapter 4, or;
- An offense for which I have not paid in full the victim restitution ordered by the court.

- I have not been convicted of a felony offense in an adult court.
- I do not have a criminal charge pending in an adult court.
- I have completed the conditions of my court-ordered probation **or** I have received a discharge from the Department of Juvenile Corrections, and successfully completed my individualized treatment plan under A.R.S. § 41-2820.
- All monetary obligations I was ordered to pay have been **paid in full**.

OR

- Monetary obligations **have not been paid in full and I request the court modify these obligations**. The following circumstances exist to support my request to modify the monetary obligations owed: (Explain.)

Note: The court can only modify monetary obligations that are not victim restitution.
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Date

Applicant's Signature

Case Number(s): _____

AUTHORIZATION TO PROCEED ON BEHALF OF APPLICANT

I authorize _____ [] attorney, or [] probation or parole officer to petition the Juvenile Court in Yavapai County, to take the above-indicated action.

Date

Applicant's Signature

Attorney/Probation or Parole Officer's
Printed Name

Attorney/Probation or Parole Officer's Signature

<p>For Office Use Only: Copies to: CA _____(e) JPO _____(e) Other County Attorney _____(h)</p>

LEGAL REQUIREMENTS FOR THE DESTRUCTION OF JUVENILE RECORDS, SET ASIDE ADJUDICATION, AND RESTORATION OF RIGHT TO POSSESS A FIREARM

LEGAL REQUIREMENTS FOR DESTRUCTION OF JUVENILE RECORDS

A.R.S. § 8-349(A) and (E)

Eligibility at age 18.

You are eligible to have your juvenile court and Department of Juvenile Corrections delinquency records destroyed under A.R.S. § 8-349(A) **IF**:

- You are at least **18** years of age and not under the jurisdiction of the juvenile court (A.R.S. § 8-202).
- You have not been convicted of a felony offense in **adult** court.
- A criminal charge is not pending against you in **adult** court.
- You have completed the conditions of your juvenile court-ordered probation or received a discharge from the Department of Juvenile Corrections and successfully completed the individual treatment plan under A.R.S. § 41-2820(B).
- All victim restitution has been **paid in full**.
- All court-ordered monetary obligations have been paid in full. If not, you may request a modification.
- You have **not** been 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 offenses involving drugs or alcohol).
- You are **not** required to register pursuant to A.R.S. § 13-3821 (*see below*).

Offenses included in A.R.S. § 13-501(A)	Offenses included in A.R.S. § 13-501(B)
13-1105 First degree murder	<ul style="list-style-type: none"> • Any class 1 felony • Any class 2 felony • A class 3 felony in violation of any offense in chapters 10-17, 19, or 23 of title 13 (Includes most crimes <i>except</i> theft, forgery, and fraud.) • A class 3, 4, 5, or 6 felony involving the intentional or knowing infliction of serious physical injury or the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument • Any felony offense committed by a chronic felony offender as defined in A.R.S. § 13-501(H)(2)
13-1104 Second degree murder	
13-1406 Forcible sexual assault	
13-1904 Armed robbery	
13-1204(A)(1) Aggravated assault: serious injury	
13-1204(A)(2) Aggravated assault: deadly weapon	
13-1209 Drive by shooting	
13-1211 Discharging a firearm at a structure	
Any felony offense committed by a chronic felony offender as defined in A.R.S. § 13-501(H)(2)	

Offenses requiring registration pursuant to **A.R.S. § 13-3821**

13-1303 Unlawful imprisonment (victim under age 18, not committed by victim's parent)	13-3552 Commercial sexual exploitation of a minor
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Offenses requiring registration pursuant to A.R.S. § 13-3821

13-1304	Kidnapping (victim under age 18, not committed by victim's parent)	13-3553	Sexual exploitation of a minor
13-1404	Sexual abuse (victim under age 18)	13-3554	Luring a minor for sexual exploitation
13-1405	Sexual conduct with a minor	13-1402	Indecent exposure (second or subsequent exposure to a person under age 15)
13-1406	Sexual assault	13-1403(B)	Public sexual indecency to a minor under age 15
	Sexual assault of a spouse (committed before 8/12/2005)	13-1402	Indecent exposure (third or subsequent violation)
13-1410	Molestation of a child	13-1403	Public sexual indecency (third or subsequent violation)
13-1417	Continuous sexual abuse of a child	13-3822	Violation of notice of moving place of residence or name change
13-3206	Taking child for the purpose of prostitution	13-3824	Violation of registration requirements
13-3212	Child prostitution (subsection A or B paragraph 1 or 2, before 8/19/2017)		Unlawful age misrepresentation
13-3212	Child sex trafficking (subsection A or B, paragraph 1 or 2, after 8/19/2017)	13-3560	Aggravated luring a minor for sexual exploitation
		13-1428	Sexual extortion (victim under age 15)

Eligibility at age 25.

If you were not eligible at age 18, you may be eligible at age 25. You are eligible to have your juvenile court and Department of Juvenile Corrections delinquency records destroyed under A.R.S. § 8-349(E) **IF**:

- You are at least 25 years of age.
- A criminal charge is not pending against you in an adult court.
- You have not been convicted of a criminal offense in an adult court.
- You are not required to register pursuant to A.R.S. § 13-3821 (see offenses listed in table).
- All victim restitution has been paid in full.
- All court-ordered monetary obligations have been paid in full. If not, you may request a modification.

In your Application, you must state that **ALL** of the above are true.

IMPORTANT ADVISEMENT: Following an order granting destruction, your entire file will be destroyed including the court's destruction order. After destruction, the court will no longer have any information regarding your juvenile case. You SHOULD keep the court's order destroying your record as you may need this order in the future for job applications, security clearances, entry into the military, further education, occupational licensing, or other reasons.

LEGAL REQUIREMENTS FOR SETTING ASIDE ADJUDICATIONS

A.R.S. § 8-348

If you are at least **18** years of age, and no longer under the jurisdiction of juvenile court or the Department of Juvenile Corrections, have been adjudicated delinquent or incorrigible, and have fulfilled the conditions of probation or received a discharge from the Department of Juvenile Corrections under A.R.S. § 41-2820, you may apply to set aside the adjudication.

The court **CANNOT** grant the application to set aside the adjudication if you were adjudicated delinquent for any of the following offenses:

- A dangerous offense as defined in A.R.S. § 13-105 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.”
- An offense for which there has been a finding of sexual motivation pursuant to A.R.S. § 13-118.
- An offense in violation of title 13, chapter 14 (sexual offenses).
- An offense in violation of A.R.S. §§ 28-1381, 28-1382, or 28-1383 if the offense can be alleged as a prior violation pursuant to title 28, chapter 4 (DUI).

In the Application, you must state:

- You are at least 18 years of age and no longer under the jurisdiction of juvenile court or the Department of Juvenile Corrections.
- You have completed the conditions of your court-ordered probation or received a discharge from the Department of Juvenile Corrections upon successful completion of the individual treatment plan under A.R.S. § 41-2820(B).
- You were not adjudicated for an offense listed above.
- Whether you have been convicted of a criminal offense in an adult court.
- Whether you have a criminal charge pending in an adult court.
- All victim restitution has been paid in full.
- All monetary obligations have been paid in full or good cause exists for modification of any unpaid monetary obligations. In this application you may request the court modify the monetary obligations.

NOTE: If an application to set aside an adjudication is granted, all remaining unpaid monetary obligations continue to be owed.

LEGAL REQUIREMENTS FOR RESTORATION OF RIGHT TO POSSESS A FIREARM

A.R.S. § 8-249

If you have been adjudicated for a felony offense or an offense that remains undesignated as a class 6 open-ended offense, you have lost your right to possess a firearm. You MUST apply with the court to have that legal right returned to you, even after you turn 18 years of age. If your undesignated offense has been designated a misdemeanor, your right to possess a firearm is automatically restored at age 18.

You may apply for restoration of your right to possess a firearm as set forth below.

In the Application, you must state that **ONE** of the following is true:

1. 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, and you are at least 30 years of age.
 - 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 offense under A.R.S. § 13-706 includes: 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 sex trafficking.
2. You were adjudicated delinquent for any other felony offense and it has been **two years** since you were discharged from probation.

IMPORTANT ADVISEMENT: Even if you are granted the right to possess a firearm by the juvenile court in this case, you may still be prohibited from possessing a firearm under other state and federal laws.

Person Filing: _____
Mailing Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
If Attorney, State Bar Number: _____



**SUPERIOR COURT OF ARIZONA
IN YAVAPAI COUNTY**

In the Matter of:

Case Number(s): JV _____

(Applicant's Name)

**ORDER REGARDING
APPLICATION**

(Applicant's Date of Birth)

- Modify Monetary Obligations
- Destruction of Juvenile Records
- Set Aside Juvenile Adjudication
- Restoration of Firearm Rights

THE COURT FINDS:

1. Destruction of Juvenile Records (A.R.S. § 8-349)

- a. The County Attorney **objects** **does not object** to the granting of the application and the County Attorney's position has been considered by the court.
- b. Victim restitution **has** **has not** been paid in full.
- c. Monetary obligations are **paid in full**.
 remain **unpaid** in the amount of \$ _____.
- d. Good cause to modify unpaid monetary obligations **exists** **does not exist**.
- e. The applicant **has** **has not** met all statutory requirements for the application.
- f. The **destruction of records** **is** **is not** in the interest of justice and would further the rehabilitative process of the applicant.

2. Set Aside Juvenile Adjudication (A.R.S. § 8-348)

- a. The County Attorney [] **objects** [] **does not object** to the granting of the application and the County Attorney’s position has been considered by the court.
- b. The victim [] **has** [] **has not** provided input and the victim’s position has been considered by the court.
- c. Victim restitution [] **has** [] **has not** been paid in full.
- d. Monetary obligations [] are **paid in full**.
[] remain **unpaid** in the amount of \$ _____.
- e. Good cause to modify unpaid monetary obligations [] **exists** [] **does not exist**.
- f. The applicant [] **has** [] **has not** met all statutory requirements for the application.

3. Restoration of Firearm Rights (A.R.S. § 8-249)

- a. The County Attorney [] **objects** [] **does not object** to the granting of the application and the County Attorney’s position has been considered by the court.
- b. The applicant [] **has** [] **has not** met all statutory requirements for the application.

4. Other Findings:

THE COURT ORDERS:

A. Monetary obligations other than victim restitution:

- [] Remaining balance is **reduced to zero**, no amount is owed by the applicant.
- [] Remaining balance is **reduced to** \$ _____.
- [] **No modification** of monetary obligations.
- [] The applicant may reapply upon payment in full.

B. Destruction of Juvenile Records:

- Based on the findings listed above, the request for destruction of records is
 granted **denied.**
- The Chief Juvenile Probation Officer, the Clerk of the Court, the Department of Juvenile Corrections, or their designees shall destroy all files and records concerning this or these case numbers for this applicant.
- Within six months after receiving a notification from the superior court that a person's juvenile delinquency or incorrigibility records were destroyed, the Department of Child Safety shall destroy all court, juvenile probation and Department of Juvenile Corrections records concerning this or these case numbers for this applicant that are in the Department of Child Safety's possession and that were produced in the delinquency or incorrigibility matter.

C. Set Aside Juvenile Adjudication:

- Based on the findings listed above, the request for set aside is
 granted **denied.**
- The applicant is released from all penalties and disabilities resulting from the adjudication, except those imposed by the Department of Transportation pursuant to A.R.S. §§ 28-3304, 28-3306, 28-3307, 28-3308, or 28-3319.

D. Restoration of Firearm Rights:

- Based on the findings listed above, the request for the right to possess a firearm is
 granted **denied.**

***IMPORTANT ADVISEMENT:* Even if you are granted the right to possess a firearm by the juvenile court in this case, you may still be prohibited from possessing a firearm under other state and federal laws.**

Date

Judicial Officer

Copies sent to:

Applicant

County Attorney

Juvenile Probation Office

Department of Juvenile Corrections

Department of Child Safety