


PETITION FOR EXPUNGEMENT G.L. c. 276, § 100K	DOCKET NO.	Trial Court of Massachusetts 
YOUR NAME AND ADDRESS	<div style="border-bottom: 1px solid black; padding-bottom: 5px;">COURT DEPARTMENT</div> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Boston Municipal Court <input type="checkbox"/> District Court </div> <div> <input type="checkbox"/> Juvenile Court <input type="checkbox"/> Superior Court </div> </div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">COURT DIVISION</div>	
<input type="checkbox"/> I request the assistance of an interpreter for the following language: (There is no charge to you for interpreter or translation services) _____		
I request that this Court order that the records of the following charges be expunged (list charges): 		
I make this request because the records were created as a result of: <input type="checkbox"/> False use of my identification <input type="checkbox"/> Unauthorized use of my identity <input type="checkbox"/> Theft of my identity <input type="checkbox"/> The offense(s) described above is/are no longer a crime <input type="checkbox"/> Errors by law enforcement <input type="checkbox"/> Errors by civilian or expert witness(es) <input type="checkbox"/> Errors by Court employees <input type="checkbox"/> Fraud perpetrated upon the Court		
Specifically (provide as much detail as possible explaining the reasons for your request): 		
<input type="checkbox"/> I request that the Court hold a hearing on my petition. <input type="checkbox"/> If you need more space to explain, check this box and continue in the space provided on the back of this sheet. You may also attach additional pages if necessary. <input type="checkbox"/> If you have documents that support your petition, check this box and attach them to this petition.		
I provided this petition and supporting documents to the District Attorney's Office of the county that prosecuted the case <input type="checkbox"/> by delivering a copy in hand OR <input type="checkbox"/> by mailing a copy via first class mail to the District Attorney's Office on <div style="border-bottom: 1px solid black; width: 200px; margin-top: 5px; text-align: center; font-size: small;">date</div>		
I swear under the pains and penalty of perjury that all information I provided in this Petition is true to the best of my knowledge and belief.		
DATE:	PETITIONER'S SIGNATURE	
Please see reverse side for instructions and space for additional information.		

INSTRUCTIONS TO PETITIONER:

Reasons for Expunging a Record Under G.L. c. 276, § 100K

Under chapter 276, § 100K, you can directly ask a judge to permanently destroy, or “expunge”, the official court records that were created because of one of the following reasons: (i) false use of your identification; (ii) unauthorized use of your identity; (iii) theft of your identity; (iv) an offense that is no longer a crime; (v) demonstrable errors by law enforcement; (vi) demonstrable errors by civilian or expert witnesses; (vii) errors by a court employee; or (viii) demonstrable fraud perpetrated upon the court.

Under this law, the judge can order expungement of the court record only if he or she determines on clear and convincing evidence that the record was created because of one of the reasons above and that expungement of the record would be in the interests of justice.

Expungement may also be available in circumstances other than those listed above. If you want to seek expungement under one of these other circumstances, you must fill out a different petition and submit it to the Office of the Commissioner of Probation. You can find information about these other provisions, including eligibility requirements, at www.mass.gov.

What You Must Show

You must demonstrate to the judge that the court record was created because of one of the reasons above and that expunging the record would be in the interests of justice. When you fill out this petition, you should provide as much detail as possible. You may give the judge copies of documents that support your reasons for asking for expungement. On the petition, there is a box to check for a hearing. At a hearing, you can tell the judge why your petition fits under one of the reasons above, and why granting the petition would be in the interests of justice.

Multiple Charges

On this petition, you should include all of the charges connected to the case that you are asking the judge to expunge. If you would like to ask a judge to expunge records in different cases, you should file separate petitions for each case.

Where to File the Petition

You should file this petition in the clerk's office in the court where the case was heard.

Providing a Copy of the Petition to the District Attorney's Office

You must provide a copy of this petition and any documents that you file with the petition to the District Attorney's Office that prosecuted the case on or before the day that this petition is filed in the court. You can do this by bringing a copy to the District Attorney's Office or by mailing a copy to the District Attorney's Office by first class mail.

Records will be Permanently Destroyed

An order of expungement requires the clerk of the court where the record was created to destroy/permanently erase the trial court records within the care, custody or control of the clerk's office, probation, and the Department of Criminal Justice Information, except for information contained in the domestic violence record keeping system. It also requires criminal justice agencies to destroy/permanently erase the record from all publicly available police logs maintained pursuant to G.L. c. 41, § 98F within their care, custody or control. Further, criminal justice agencies are required to respond to inquiries from any party, including criminal justice agencies, a county agency, a municipal agency or state agency that no record exists.

While the clerk will provide you with a copy of the expungement order, if you want copies of the records, any documents that you filed, or the petition, you must make copies *before* the court orders expungement. Once the record is destroyed, you will not be able to get a copy from the court.

Additional Information: