

STATE OF MICHIGAN JUDICIAL CIRCUIT - FAMILY DIVISION COUNTY	APPLICATION TO SET ASIDE ADJUDICATION AND ORDER	CASE NO. PETITION NO.
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Court address _____ Court telephone no. _____

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Before completing this form, please see other side for instructions.

1. In the matter of name(s), alias(es) _____
2. On _____, a disposition hearing was held because I was adjudicated, as a juvenile delinquent, of
Date
the following offense: _____. A certified copy of the order of disposition is attached.
3. I am 24 years of age or older.
4. I have not been adjudicated of any other juvenile offenses nor do I have any adult felony conviction.
5. a. I have never filed an application to set aside an adjudication.
 b. I previously filed an application to set aside an adjudication of _____
and it was disposed of as follows: _____
6. a. I was not detained as a result of this adjudication, and at least five years have elapsed from the date of disposition.
 b. I was detained as a result of this adjudication, and at least five years have elapsed following completion of my term of detention.
7. Other criminal charges are are not pending against me in any court in the United States or in any other country.
8. I consent to the use of the nonpublic record created pursuant to MCL 712A.18e(13) to the extent authorized.
9. **I request** that the court issue an order to set aside the above adjudication as provided by law.

Applicant signature _____ Address _____

City, state, zip _____

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires on _____ Signature: _____
Date

Notary public, State of Michigan, County of _____

NOTE: The hearing cannot be held until the court receives the Michigan State Police report required by MCL 712A.18e(5).

NOTICE OF HEARING

TO: Michigan Attorney General and _____
Prosecuting official

A hearing will be held on the above application to set aside adjudication on _____ at _____
Date Time

at _____ before _____
Location Judge/Referee

NOTE: You must serve this notice at least 7 days before the hearing. See the other side for instructions and Proof of Service.

ORDER ON APPLICATION TO SET ASIDE ADJUDICATION

1. Specific findings of fact and law regarding this proceeding have been made on the record.

IT IS ORDERED:

2. The application is denied.
3. The adjudication in this case is set aside. Pursuant to MCL 712A.18e(13), the Michigan State Police shall maintain a nonpublic record of the order setting aside adjudication and of the arrest, fingerprints, adjudication, and disposition in this case. A copy of the order shall be sent to the arresting agency and the Michigan State Police.

Date Judge Bar no.

Instructions to the Court: Complete the order on the original application in the court file. Make three copies of the completed order and serve them on the prosecuting official, Michigan State Police, and applicant.

INSTRUCTIONS for processing application and serving notice of hearing

1. If you have had more than one adjudication for any juvenile offense or if you have had an adult felony conviction, you cannot have a juvenile adjudication set aside. To have a juvenile **conviction** set aside, use form MC 227.
2. You cannot apply to have an adjudication set aside for: a) an offense that if committed by an adult would be a felony for which the maximum punishment is life imprisonment, b) a traffic offense or a substantially corresponding local ordinance that involves the operation of a vehicle and at the time of the violation was a felony or misdemeanor, c) a specified juvenile violation as defined in MCL 712A.2d(9).
3. You may not apply until you have become at least 24 years of age and either
 - a. 5 years have passed since imposition of the disposition for the adjudication if you were not detained as a result of the adjudication.
 - b. 5 years have passed since release from a term of detention if you were detained as a result of the adjudication.
4. Although a conviction for a nontraffic offense reportable to the Secretary of State may be set aside by the court, as stated in MCL 257.732(22), the court cannot order the removal of the conviction from the driving record.

Complete the Application:

1. Find out the exact date of the disposition and the name of the offense from the court clerk and fill in this application. Obtain a certified copy of the order of disposition to attach to this application. Then complete items 1 through 7 on the other side.
2. Take the completed application to either the court or a notary public and swear to the truth of the statements in this application in the presence of the court clerk or notary public. Sign the application and write in your current address. The court clerk or notary public will date and sign the application.
3. Present this application to the court clerk and request a hearing date.
4. The court clerk will complete the notice of hearing on this application, will make five copies of both sides of the application and four copies of the order of disposition, and will return them to you. The court clerk will keep the original application.
5. Mail or deliver one copy of this application and one copy of the order of disposition to the Attorney General of the State of Michigan and one copy of this application and one copy of the order of disposition to the prosecuting official of the county or political subdivision who prosecuted your case. You must mail or deliver this application at least 9 days before the hearing.
6. Go to the local law enforcement agency for the fingerprint card and get fingerprinted on the applicant card (RI-8). Fill out the card completely. **Be sure to ask the local law enforcement agency the amount of the application fee.** Then mail or deliver one copy of this application, one copy of the order of disposition, the fingerprint card, and the appropriate fee to the Michigan State Police. The fee, payable to the State of Michigan, must accompany this application.
7. After you have mailed or delivered the copies to the Attorney General, prosecuting official, and Michigan State Police, complete the Proof of Service below on the two remaining copies of this application. Take one copy of this application to the court clerk. Keep the remaining copy of this application and the order of disposition for yourself.

Attorney General's Office
Corrections Department
PO Box 30217
East Lansing, Michigan 48909

Michigan State Police
Criminal Records Division
106 W. Allegan
Lansing, Michigan 48933

8. Appear at the hearing. After the hearing, the court will serve copies of the order as appropriate.
9. If the name of the victim of an assaultive crime is known by the prosecuting attorney, the prosecuting attorney will give that victim written notice of this application and will forward a copy of this application to the victim.

PROOF OF SERVICE

I certify that I served this application and notice of hearing on the

prosecuting official on _____ by first-class mail by leaving it at his/her office.
Date

Attorney General on _____ by first-class mail.
Date

I certify that I also served a copy of this application and fingerprint card, accompanied by the required fee, on the

Michigan State Police on _____ by first-class mail.
Date

Date

Applicant/Attorney signature