



MASSACHUSETTS TRIAL COURT
OFFICE OF THE COMMISSIONER OF PROBATION
ONE ASHBURTON PLACE
BOSTON, MA 02108-1612

EDWARD J. DOLAN
COMMISSIONER

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How to Seal Your Adult Non-Convictions

A ***non-conviction*** is a criminal charge where the disposition (result) of the case did not result in a finding, verdict, or plea of guilty for that offense.

Examples of ***non-conviction*** dispositions are:

- ***not guilty*** finding, whether by a judge or a jury;
- ***no bill*** returned by a grand jury (failure to indict);
- ***no probable cause*** finding by a judge;
- ***dismissal*** without probation entered by a judge; OR
- ***nolle prosequi*** entered (entry on the record of no further prosecution).

The Court ***non-conviction*** sealing process is governed by ***G.L. c. 276, § 100C***.

When seeking to seal ***non-convictions*** you may submit a request at the conclusion of a case or at any time thereafter with the Clerk's office of the Court where the criminal case was disposed. You submit to the Court the attached Petition to Seal Records Pursuant to ***G.L. c. 276, § 100C***.

You may attach in your Petition any documents you believe support your reasons for sealing your ***non-conviction***. The factors the court may consider in deciding your petition Petition to seal include:

- the particular disadvantage(s) identified by you arising from the availability of the criminal record;
- evidence of rehabilitation suggesting that you could overcome these disadvantages if the record were sealed; any other evidence that sealing would alleviate the identified disadvantage(s);
- relevant circumstances to you at the time of the offense that suggest a likelihood of recidivism or of success;



- the passage of time since the offense and since the conclusion of the criminal case; and
- the nature of and reasons for the particular disposition of the criminal case.

See *Commonwealth v. Pon*, 469 Mass. 296, 316-319 (2014).

After you file your Petition with the Clerk's office, the judge will review your Petition and any supporting documents. If the judge determines that you have met the preliminary legal standard for sealing the record, you will be notified by mail when a court hearing will be held. If the judge determines that you have not met the preliminary legal standard, the judge can deny the petition without a hearing, and you will be notified of that decision in writing.

If the judge decides that your case can proceed, the Clerk's office will schedule a hearing for you to appear. The Clerk's office will provide advance notice of the hearing to the District Attorney's office and Probation Department, and a copy of the notice will be posted on a court bulletin board for at least 7 days. You should bring to the hearing any documents or information in addition to those previously provided with your Petition that you would like the court to consider. At the hearing, you will be given the opportunity to tell the court why you think there is "good cause" to seal your record and how it outweighs the public's general right of access to court documents and information. You may bring an attorney to the hearing if you so choose.

At the end of the hearing, the judge may issue a decision right away or may take the case "under advisement", in which case you will be notified in writing of the final decision. The Clerk's office will provide a copy of the signed order to you and to the Chief Probation Officer. The Chief Probation Officer will provide a copy of the signed order to the Office of the Commissioner of Probation to seal your *non-conviction*, if the judge orders it.

An individual can also request to seal *non-convictions* with any Petition to seal pursuant to **G.L. c. 276, § 100A** or **§ 100B** as long as the waiting periods for **convictions** are met.

You will be unable to seal your *non-convictions* with such a Petition if there is a **conviction** that still falls within the timeframes of **G.L. c. 276, § 100A**.

PETITION TO SEAL RECORD(S) under G. L. c. 276, § 100C	TRIAL COURT OF MASSACHUSETTS
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<input type="checkbox"/> BOSTON MUNICIPAL COURT	<input type="checkbox"/> DISTRICT COURT	<input type="checkbox"/> SUPERIOR COURT	<input type="checkbox"/> JUVENILE COURT	DIVISION/COUNTY: _____
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Petitioner's Name: <i>(please print)</i>	Petitioner's Address: <i>(please print)</i>	Tel. # PCF #
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DOCKET NUMBER	OFFENSE/CHARGE <i>(Please list each one on a separate line.)</i>	DISPOSITION DATE	DISPOSITION	COURT USE ONLY
				<input type="checkbox"/> seal
				<input type="checkbox"/> seal
				<input type="checkbox"/> seal
				<input type="checkbox"/> seal
				<input type="checkbox"/> seal
				<input type="checkbox"/> seal

Please see the attached continuation sheet listing additional case(s).

I request this Court to order that the record(s) of the criminal charge(s) listed above be sealed, for the following specific reasons: *(Please print and attach documents as necessary)*

DATE:	SIGNED UNDER THE PENALTIES OF PERJURY Petitioner's Signature:
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ORDER OF COURT

A hearing on the merits of the petition to seal is scheduled on _____, 20____, at _____ AM/PM (no sooner than 7 days). The clerk-magistrate shall ensure that notice of the hearing is given to the probation department and the prosecutor's office, and shall post a copy of the petition on a public bulletin board until the scheduled hearing. The prosecutor's office is advised to give notice to the victim(s), if any, and to inform the victim(s) s/he/they may appear and be heard.

After review of the petition and any attachments, and/or a preliminary hearing, the Court finds that no prima facie case in favor of sealing has been shown, and the petition to seal is **DENIED**.

DATE:	JUDGE'S SIGNATURE:
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