

## Instructions for Petition to Close Nonconviction Records ([N.D.C.C. § 12-60.1-05](#))

The ND Legal Self Help Center can't provide assistance in criminal matters and doesn't have forms, procedures, or expertise available in this area.

If you have questions about this form, contact the office of the [Clerk of Court](#) where your criminal case is currently filed.

### You may use this form if all of the following are true and correct:

- 1) A North Dakota State District Court or municipal court entered an order of nonconviction **before August 1, 2025**;
  - An order of nonconviction means **all** of the criminal charges in your case were **dismissed**, or you were **acquitted** of **all** criminal charges in your case.
- 2) The dismissal **wasn't** the result of a plea agreement involving a conviction on another offense;
- 3) The case **wasn't** dismissed due to a finding the individual wasn't fit to proceed under [N.D.C.C. Chapter 12.1-04](#);
- 4) The case **didn't** result in a verdict of not guilty due to lack of criminal responsibility under [N.D.C.C. Chapter 12.1-04.1](#); and
- 5) The case **wasn't** appealed.

### To fill out this form:

- Fill in the same County, Judicial District, and Case Number of your criminal case. If you don't know the Judicial District, you may leave that space blank.
- Fill in your name as the Defendant.
- Paragraph 1: Fill in your name as the Defendant.
- Paragraph 3: Read all of the statements. **If you can't checkmark (✓) all three boxes, you can't use this form.**
- If every paragraph of the form is true and correct for you, date and sign the form.
- Fill in the lines after your signature.

### **Serve a copy of your completed form on the Prosecutor:**

- You must serve a copy of your completed Petition on the Prosecutor in the criminal case.
  - For North Dakota State District Court cases, the States Attorney for the county where the case is filed.
  - For municipal court cases, the prosecuting attorney for the municipality.
- [Rule 49 of the North Dakota Rules of Criminal Procedure](#) requires documents to be served as required by [Rule 5\(b\) of the North Dakota Rules of Civil Procedure](#).
- If you're 18 years of age or older, you may serve by first-class U.S. mail.
  - Get the name of the Prosecutor and their service address.
  - Put the copy of your completed Petition in a mailing envelope and write the name and address of the Prosecutor on the front of the envelope.
  - Put the appropriate amount of postage on the envelope and put the envelope in the U.S. Mail.
  - Complete, date, and sign the Declaration of Service by Mail included with the Petition form. Fill in the lines after your signature.

### **File your original Petition and Declaration of Service with the Clerk of Court:**

- Make a copy of your completed, dated, and signed Petition and Declaration of Service by Mail form for your records.
- File the **originals** of your completed, dated, and signed Petition and Declaration of Service by Mail forms with the Clerk of Court where your criminal case is filed.
  - [ndcourts.gov/court-locations](https://ndcourts.gov/court-locations)
- There's **no** filing fee.

If you meet the requirements to have your case closed, the court enters an order closing the court record **within ten days of the petition being filed.**

**Only** the records controlled by the North Dakota court system are closed. The order won't close any records controlled by the Prosecutor or other law enforcement entities.

***Don't include these instructions when you serve and file the form.***

State of North Dakota

In District Court

County of

Judicial District

State of North Dakota

Plaintiff,

vs

Defendant.

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Case No.

Petition to Close Nonconviction Records

1. **Comes Now** Petitioner, \_\_\_\_\_, the Defendant in the above-entitled case, and hereby Petitions the Court for an order closing their nonconviction court records in this case under Section 12-60.1-05 of the North Dakota Century Code.

2. Section 12-60.1-01(6) of the North Dakota Century Code states that "'Nonconviction' means dismissal of **all** criminal charges in a case **or** acquittal of **all** criminal charges in a case."

3. All of the criminal charges in the above-entitled case were resolved by either dismissal or acquittal. Check the applicable statements:

The dismissal **was not** the result of a plea agreement involving a conviction on another criminal offense.

The dismissal **was not** due to a finding that Petitioner was not fit to proceed under Chapter 12.1-04 of the North Dakota Century Code: Juveniles – Intoxication – Fitness to Proceed.

The acquittal **was not** the result of a not guilty verdict due to Petitioner's lack of criminal responsibility under Chapter 12.1-04.1: Criminal Responsibility and Post-Trial Responsibility Act.

4. This case **was not** appealed.

5. Because the court in this case entered the order of nonconviction before August 1, 2025, Petitioner files this petition to have this court record closed.
6. Based on the above, Petitioner meet the requirements of Section 12-60.1-05 for the court to close this court record.
7. Petitioner respectfully requests that the court enter an order closing this court record within ten days of this petition being filed.
8. I declare, under penalty of perjury under the law of North Dakota, that the foregoing is true and correct.

Signed on \_\_\_\_\_ (date) in \_\_\_\_\_ (city),  
\_\_\_\_\_ (county), \_\_\_\_\_ (state), \_\_\_\_\_ (country).

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State, Zip Code)

\_\_\_\_\_  
(Telephone Number)

\_\_\_\_\_  
(Email Address)

State Of North Dakota

In District Court

County Of \_\_\_\_\_

\_\_\_\_\_ Judicial District

State of North Dakota

Plaintiff,

vs

\_\_\_\_\_  
Defendant.

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Case No. \_\_\_\_\_

Declaration of Service by Mail

The person serving court documents by mail states:

1. My name is \_\_\_\_\_ (*name of person who mailed documents*).

2. I am at least 18 years of age.

3. **List of Court Documents Served:**

Petition to Close Nonconviction Records

4. **Service by Mail:**

As required by Rule 5(b)(3) of the North Dakota Rules of Civil Procedure, I served a true and correct copy of each of the court documents listed in Paragraph 3 by mailing them, enclosed in an envelope, by First-Class mail, postage prepaid, and by depositing them in the United States Mail, directed to the person listed in Paragraph 6.

5. **Date of Service by Mail:**

Date Court Documents Were Served by Mail: \_\_\_\_\_

6. **Person Served by Mail:**

Name of Person Served: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

7. I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Declaration of Service by Mail is true and correct.

Signed on \_\_\_\_\_ (date) in \_\_\_\_\_ (city),  
\_\_\_\_\_ (county), \_\_\_\_\_ (state), \_\_\_\_\_ (country).

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State, Zip Code)

\_\_\_\_\_  
(Telephone Number)

\_\_\_\_\_  
(Email Address)