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**VERIFIED PETITION FOR EXPUNGEMENT OF
DEPARTMENT OF CHILD SERVICES RECORDS UNDER I.C. 31-33-27-5**

John Doe requests the Court to expunge in the interests of fairness and justice, under I.C. 31-33-27-4 and I.C. 31-33-27-5, Petitioner's Department of Child Services records filed under investigation [number]. In support, John Doe affirms under the penalties of perjury:

1. Petitioner's full name is John Doe Doe.
2. Petitioner has no other legal names or aliases by which Petitioner is or has been known.
3. Petitioner's date of birth is [date] and his Social Security Number is ***-*(*)***.
4. Petitioner has had no convictions related to the allegations in the DCS investigation.
5. Petitioner's addresses from these allegation to this Petition are/have been (list most current address first and add additional lines as needed):
6. There are no current criminal investigations or charges pending against Petitioner.
7. Twelve (12) years have passed since the dismissal of the charges related to this DCS investigation.
8. Petitioner was arrested and charged under Cause Number , on [date], for the offense alleged.
9. The charges in paragraph 10 were ultimately dismissed.
10. The charges were ultimately expunged under Cause Number [***].
11. Petitioner has served a copy of this Verified Petition for Expungement upon the Department of Child Services under the Indiana Rules of Trial Procedure.
12. Petitioner was investigated by Indiana Department of Child Services on the following dates, the allegations of which were found substantiated:

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Investigation Number	Offense	Date	Decision
9999999	[list]		Substantiated

13. Petitioner was xx years old at the time of the allegations.

14. The allegations were determined substantiated.

15. Petitioner had no further contact with any juvenile court.

16. The Petitioner wishes to provide the following information to assist the Court:

- a. There is no likelihood that the petitioner will be a future perpetrator of child abuse or neglect because there is no evidence of any past or current child abuse or neglect.
- b. The criminal charges filed in relation to the alleged child molestation were dismissed and expunged.
- c. The substation was a mistake as the information resulted from misidentification. As exemplified in DCS's own reports it was not John Doe, but Robert Doe who was the perpetrator.
- d. John Doe erroneously had the allegations substantiated against him, instead of Robert Doe.
- e. For the DCS report to remain on Mr. Doe's record is an absolute preclusion of his right to be innocent until proven guilty.
- f. Because the previous charges have been dismissed, the information retains no current probative value to justify its retention by the Department of Child Services.
- g. The investigation should have not been found substantiated, as Robert Doe, not John Doe, was the perpetrator of the alleged actions.
- h. Such records make it impossible to properly spend time with his grandchildren, and it is in the best interests of the children to maintain such a relationship.

WHEREFORE, Petitioner respectfully requests this Court to expunge the conviction

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records that relate to the Petitioner as required by I.C. 31-33-27-4 and I.C. 31-33-27-5, and all other relief that is just and proper.

[THIS SPACE LEFT INTENTIONALLY BLANK]

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Date: _____

Signature of Petitioner

Printed Name of Petitioner

Respectfully Submitted,

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**ADMINISTRATIVE RULE 9(G)(5) NOTICE OF EXCLUSION OF CONFIDENTIAL
INFORMATION FROM PUBLIC ACCESS**

Contemporaneous with the filing this notice, Petitioner John Doe, by counsel, has filed confidential information on green paper under Administrative Rule 9(G)(5). Under Administrative Rule 9(G)(5), John Doe provides this notice that the confidential information on that green paper is to remain excluded from public access under **Administrative Rule 9(G)(2)(f)**:

- Confidential Information Form listing Petitioner's full Social Security Number

Respectfully Submitted,

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[CAPTION]

CONFIDENTIAL INFORMATION FORM

1. Petitioner's Name:
2. Petitioner's Full Social Security Number:

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**FINDINGS ON VERIFIED PETITION FOR EXPUNGEMENT OF
DEPARTMENT OF CHILD SERVICES RECORDS UNDER I.C. 31-33-27-5**

Petitioner, John Doe, by counsel, filed his Verified Petition for Expungement on _____, 2015.

Petitioner's Verified Petition for Expungement seeks relief as provided by I.C. 31-33-27-4 and I.C. 31-33-27-5.

Upon review of the Petitioner's Verified Petition and the evidence, the Court now enters the following Findings and Order on Petitioner's Verified Petition for Expungement.

FINDINGS

The Court now finds by a preponderance of the evidence that:

1. Petitioner's Verified Petition for Expungement complies with the requirements of I.C. 31-33-27-5.
2. Petitioner's full name is
3. Petitioner has no other legal names or aliases by which Petitioner is or has been known.
4. Petitioner's date of birth is [date] and his Social Security Number is .
5. There are no current criminal investigations or charges pending against Petitioner.
6. Petitioner has had no convictions related to the allegations in the DCS investigation.
7. Twelve (12) years have passed since the dismissal of the charges related to this DCS investigation.

ORDER

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It is therefore ORDERED, ADJUDGED, and DECREED that Petitioner's Verified Petition for Expungement is GRANTED. Petitioner's conviction records shall be expunged under I.C. 31-33-27-4 and I.C. 31-33-27-5. Petitioner's records regarding Department of Child Services shall be expunged. It is, therefore, ordered:

1. It is unlawful discrimination for any person to:
 - a. suspend;
 - b. expel;
 - c. refuse to employ;
 - d. refuse to admit;
 - e. refuse to grant or renew a license, permit, or certificate to engage in any activity, occupation, or profession; or
 - f. otherwise discriminate against;Petitioner because of a record expunged or sealed under this Order.
2. The Indiana Department of Child Services shall remove or delete all information maintained by the department concerning a report, assessment, or determination relating to an incident or condition of child abuse or neglect and destroy the information or, in the alternative to destruction, deliver to Mr. Doe the information.
3. The Department shall amend information relating to a substantiated report by deleting the name of a person as an alleged perpetrator in this and in related reports.
4. The Indiana Department of Child Services and other person who incarcerated, treated, or provided other services for the person under an

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order is prohibited from releasing the Petitioner's records or information in the Petitioner's records to anyone without court order.

5. The Clerk shall send a copy of this Order to all parties of record or their attorneys and to the Indiana Department of Child Services.

SO ORDERED this ____ day of _____, 2015.

Judge,

Distribution