



How to Apply for Collateral Relief

1. Basic Information

- This process asks the court for relief from some of the **collateral consequences** that may come with a conviction or adjudication.
- Those consequences may include being disqualified from a professional license or job, a benefits program, or housing.
- Keep in mind that parts of your sentence like jail time, probation, and fees are not considered collateral consequences.
- More information can be found at www.coloradodefenders.us.
- You can't qualify for relief if:
 - 1) You have been convicted of a felony that included an element that requires a victim to suffer a permanent disability; **Or**
 - 2) You have been convicted of a **crime of violence**; **Or**
 - 3) You are required to register as a sex-offender.
- The court cannot grant relief for licensure by the Department of Education, or employment with the Colorado Judicial Branch, Department of Corrections, Division of Youth Corrections, or a law enforcement agency.
- For more information, please review C.R.S. §§ 18-1.3-107, 18-1.3-213, 18-1.3-303 and 19-2-227.

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2. Step-by-Step Guide

Terms defined on [page 4](#).

Step 1 – Criminal History Report

You **must** order a fingerprint-based criminal history report.

- 1) Get fingerprinted. Schedule at www.coloradofingerprinting.com
- 2) Order the report through the [Colorado Bureau of Investigation \(CBI\)](#).

Step 2 – File the Request

- 1) Complete the starting paperwork.
 - [JDF 238](#) – Application for Collateral Relief.
Note: Attach the recent criminal history report.
 - [JDF 239](#) – Proposed Order.
Note: Just do the **case caption**.
- 2) File into your existing case.

Step 3 – Notification

Within **10-Days** of filing, you must notify the affected agencies by one of the methods below.

Agencies to Notify:

- District Attorney. **And**
- Each regulatory or licensing body you want relief from.

Method 1 - Certified Mail

- 1) Send the starting paperwork by certified mail, return receipt.
- 2) File a copy of the return receipts with the court.

Method 2 – Personal Service

- 1) Give the starting paperwork to a **process server**.
 - Someone must formally give a copy of the paperwork to each of the agencies.
 - You cannot be the one who completes service.
 - Contact the Sheriff's office in the county where the agency resides. Or,
 - Hire a professional **process server**.
- 2) The **process server** completes [JDF 718 – Return of Service](#).
- 3) File the Return of Service with the court.

Step 4 – Hearing (*situational*)

- 1) The court will decide if a hearing is necessary. Or, the matter may be discussed as part of an upcoming sentencing hearing.
- 2) If there is a hearing, you may be required to give testimony under oath about the info you provided in your application.

Step 5 – Decision

If the Court grants your request, send a certified copy of the order to the Colorado Integrated Criminal Justice Information System at the CBI.

3. Common Terms

Case Caption

The boxes at the top of the form. It contains the court's address, parties' names, the filer's contact information, and the case number.

Collateral Consequence

A penalty, prohibition, bar, or disadvantage imposed on an individual as a result of the individual's criminal conviction, which applies regardless of whether it was included in the judgment or sentence; **OR** a penalty, prohibition, bar, or disadvantage that an administrative agency, governmental official, or court in a civil proceeding is authorized, but not required, to impose on an individual on grounds relating to the individual's conviction or a criminal offense.

Process Server

Someone (not you) who formally delivers court paperwork. This could be the Sherriff's Office or a private process server.

Crime of Violence

A crime designated as such pursuant to statute or any of the following listed crimes that was committed, conspired to be committed, or attempted to be committed by a person during which, or in the immediate flight therefrom, the person used, or possessed and threatened the use of a deadly weapon; **OR** caused serious bodily injury or death to any other person except another person involved in the crime: any crime against an at-risk adult or at-risk juvenile; murder; first or second degree assault; kidnapping; a sexual offense; aggravated robbery; first degree arson; escape; criminal extortion; or first or second degree unlawful termination of pregnancy. "Crime of violence" also means any unlawful sexual offense in which the defendant caused bodily injury to the victim or in which the defendant used threat, intimidation, or force against the victim.

4. Fees

Application Fee \$30.00 [C.R.S. 18-1.3-107\(2\)\(c\)](#).

Other possible fees:

Criminal Records Report	Varies - payable to the agency.
Copies	\$0.25 a page (\$.50 if double-sided).
Copies from paper files	\$0.75 a page (\$1.50 if double-sided).
Order Certification	\$ 20.00

5. Forms *(In numerical order)* www.courts.state.co.us/Forms/Criminal

JDF 238	Application for Collateral Relief
JDF 239	Order re Collateral Relief
JDF 718	Return of Service <i>(situational use)</i>

6. ADA Information

For reasonable accommodations under the Americans with Disabilities act contact the court's ADA coordinator:

www.courts.state.co.us/Administration/HR/ADA/Coordinator_List.cfm

7. Legal Advisory

These are basic instructions for informational purposes only. They do not constitute legal advice. If you choose to represent yourself, you are bound by the same rules and process as a lawyer. If you do not understand this information, please contact a lawyer.