

PROCEDURE FOR PETITIONING FOR EXPUNGMENT OF ARREST/COURT RECORDS K.S.A. 22-2410

Please read these instructions carefully before submitting to the court

1. Eligibility

- a. **This court only has authority to expunge records from WYANDOTTE COUNTY.** This means it can expunge cases where the petitioner was arrested by the KCKPD, BSPD, EVPD, LQPD, or any other law enforcement agency operating in Wyandotte County such as the Highway Patrol or KUPD and then charged in the **Wyandotte County District Court.**
 - i. **This does NOT cover municipal cases with the city prosecutors.**
- b. The Petitioner must allege that the arrest was due to mistaken identity; that the arrest was due to a witness or officer misidentifying you, the witness or officer was confused about the suspect's identity, or someone intentionally gave the police false information; a judge held there was no probable cause for the case; you were found not guilty at trial; or expungement would be in the best interest of justice and the case was dismissed.

2. Procedure for writing and filing the petition/order

- a. Fill out all of the documents below either by typing in them or printing out and handwriting them.
- b. If you are unsure about certain information as you fill out the forms, please contact the Criminal Clerk's office at 913-573-2905.
- c. Fill out the criminal cover sheet to the best of your ability with your information. If you do not know something or it does not apply, leave it blank.
- d. The Petition
 - i. At the top of the page, place your name where it says Defendant/Petitioner.
 - ii. Where it says "Case No." put in the original case number from the case.
 - iii. Put your name as the petitioner in the first paragraph.
 - iv. Fill in the blanks or check the appropriate boxes in numbered paragraphs 1-4.
 1. In paragraph 4, put in the police department that did the arrest (i.e., the Kansas City, Kansas Police Department or Edwardsville Police Department) and the date of your arrest.
 2. **Put in the name of the crime, the severity level of the crime (1-10 non-drug felony, 1-5 drug felony, or Class A-C misdemeanor) and the statute section for the crime (e.g., 21-5801).** If you require more spaces than provided, copy and paste as many as you need.
 - v. For paragraph 5, check the applicable reason to expunge the arrest record
 - vi. **Sign at the bottom of the petition. You are NOT required to notarize the petition.**
- e. Fill out the order cover sheet to the best of your ability with your information. If you do not know something or it does not apply, leave it blank.

- f. The Order Granting Expungement
 - i. At the top of the page, place your name where it says Defendant/ Petitioner.
 - ii. Put in the case number from your original case where it says “Case No.”
 - iii. **Leave the first three unnumbered paragraphs blank. The DA’s Office will fill these in.**
 - iv. Fill in the first three numbered paragraphs asking for your name and demographic information.
 - v. **Leave the KBI and FBI numbers blank. The DA’s Office will add these when they review the petition.**
 - vi. Fill in paragraph 6-8 the same as on the petition.
 - vii. Sign on the line where it says “Signature of Petitioner/Petitioner’s Attorney” and fill in the information below that.
 - g. The Order Denying Expungement
 - i. Fill in the same way as the Order Granting Expungement, **but leave paragraph 5 blank for the Judge or the DA’s Office to fill out.**
 - h. Once everything is filled out, bring it to the Wyandotte County Courthouse (710 N 7th Street Kansas City, KS 66101) to file it. Take it to the Criminal Clerk on the second floor.
 - i. **It costs \$195 to file the petition. Petitions will not be considered until the filing fee is paid.**
 - ii. **If the arrest was due to identity theft, the case was dismissed, you were found not guilty, or the judge found there was no probable cause, then there is no filing fee.**
 - iii. There are poverty affidavits available to file in the self help center located on the third floor of the courthouse.
3. What comes next
- a. After a petition is filed, it is sent to the DA’s Office to review. This will include providing notice to the victims, if any, and running a background check.
 - b. Most cases will not require a hearing before a judge. If the DA’s Office approves, it will file your order with the judge for his/her approval.
 - i. If the DA’s Office does not approve, you will be contacted and will be required to set a hearing with the court.
 - c. It generally takes about 6 weeks for the DA’s office to review a petition and for the order to be filed. You will receive a certified copy of the order in the mail once it has been fully processed.
4. **Special note: expungement will seal your record in most situations. However, some organizations will still have access to your records even after expungement and the law may require you to disclose an expunged conviction still. Read the order carefully as well as K.S.A. 22-2410(e) & (f).**

For Office Use Only

CRIMINAL COVER SHEET

The criminal cover sheet neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Clerk of the District Court for the purposes of initiating the criminal docket sheet. This information will not be available to the public and this document will be stored in a separate location from the case file and then destroyed within a reasonable time. A new case **will not be accepted** without a cover sheet attached. (THIS FORM MUST BE TYPED OR PRINTED LEGIBLY). This form can be found at www.kscourts.org.

DEFENDANT'S INFORMATION
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

COMPLAINT INFORMATION

FULL
NAME: _____
FULL NAME
AT
ARREST: _____
ADDRESS 1: _____
ADDRESS 2: _____
CITY, STATE ZIP: _____
PHONE: _____ CELL: _____
E-MAIL ADDRESS: _____
DL OR STATE ID NO: _____ STATE: _____
SOCIAL SECURITY NO: _____
SEX: _____ DOB: _____
[MM/DD/YYYY]
RACE: ☐ WHITE ☐ BLACK ☐ ASIAN ☐ PACIFIC ISLAND
☐ AMERICAN INDIAN/ALASKAN ☐ UNKNOWN
ETHNICITY: ☐ HISPANIC ☐ NON-HISPANIC ☐ UNKNOWN

ARRESTING AGENCY: _____
OFFICER: _____
OFFICER NO.: _____
VIOLATION DATE: _____
KDR TRANSACTION NUMBER: _____

ATTORNEY(S)
(IF KNOWN)
(NAME, SUPREME COURT ID NUMBER, CELL PHONE NUMBER, FIRM
NAME, ADDRESS, PHONE NUMBER, E-MAIL ADDRESS)

ALIAS NAMES USED:

The requirement that Social Security numbers be included on criminal cases is not mandatory. The number is used for purposes of identification and may be disclosed as permitted by law. This form is not considered to be a public record.

STATE OF KANSAS, <div style="text-align: center;">Plaintiff,</div> vs. <hr style="width: 40%; margin-left: 0;"/> <div style="text-align: center;">Defendant/Petitioner. </div>)))))))))	Case No. _____
---	---	-----------------------

Pursuant to K.S.A. 22-2410

1. Petitioner's full name at the time of the arrest was _____.

3. Petitioner is a _____, _____ born on _____.
[Race] [Sex] [MM/DD/YYYY]

4. Petitioner was arrested in Wyandotte County, Kansas, by the _____
[Law Enforcement Agency]

on MM/DD/YYYY Petitioner was then charged with the following offense(s):

a severity level _____ in violation of K.S.A. Section _____.

a severity level _____ in violation of K.S.A. Section _____.

- c. _____,
a severity level _____ in violation of K.S.A. Section _____.
- d. _____,
a severity level _____ in violation of K.S.A. Section _____.

5. Expungement of my arrest record is proper because:

[CHOOSE **ONE** OF THE FOLLOWING]

- a. ☐ The arrest occurred because of mistaken identity;

OR

- b. ☐ The arrest occurred as a result of mistaken identity or another person using the identifying information of the named person, and the charge against the named person was dismissed or not prosecuted;

OR

- c. ☐ A court found that there was no probable cause for the arrest;

OR

- d. ☐ The Petitioner was found not guilty in court proceedings;

OR

- e. ☐ The expungement would be in the best interests of justice and charges have been dismissed.

I affirm under penalty of perjury that the statements in this Petition are accurate to the best of my knowledge, and I respectfully request that the Court set this matter for hearing and grant the expungement.

Submitted by:

Signature of Petitioner, *Pro Se*

Name (Print): _____

Address 1: _____

Address 2: _____

City, State, Zip: _____

Telephone Number: _____

E-mail: _____

For Office Use Only

ORDER OF EXPUNGEMNT OF ARREST RECORDS
COVER SHEET

(for submission to the Kansas Bureau of Investigation)

This cover sheet is to be sent to the Kansas Bureau of Investigation to assist them with determining the correct person to be removed from the registry.

This form must be typed or printed legibly.

DEFENDANT’S INFORMATION

FULL NAME: _____

ADDRESS 1: _____

ADDRESS 2: _____

CITY, STATE ZIP: _____

SSN: _____ SEX: _____ DOB: _____

RACE: ☐ WHITE ☐ BLACK ☐ ASIAN ☐ PACIFIC ISLAND
 ☐ AMERICAN INDIAN/ALASKAN ☐ UNKNOWN

ETHNICITY: ☐ HISPANIC ☐ NON-HISPANIC ☐ UNKNOWN

ALIAS NAMES USED:

**IN THE DISTRICT COURT OF WYANDOTTE COUNTY, KANSAS
CRIMINAL DEPARTMENT**

STATE OF KANSAS,)	
)	
Plaintiff,)	
vs.)	
)	Case No. _____
_____)	
Defendant/Petitioner.)	
)	

ORDER FOR EXPUNGEMENT OF ARREST RECORD

Pursuant to K.S.A. 22-2410

NOW ON THIS ____ day of _____, _____, the Court considers the Petition for Expungement pursuant to K.S.A. 22-2410 filed herein. The State appears by _____, Assistant District Attorney. The Petitioner appears ☐ pro se ☐ with counsel _____. There are no other appearances.
[Attorney's name, if any]

The Court finds jurisdiction and venue are proper. Notice to parties and those required to receive notice has been given as required by law.

The Court, ☐ upon agreement of the parties, ☐ having reviewed the file, ☐ having received the evidence, and/or ☐ having heard statements of counsel, finds as follows:

1. Petitioner's full name at the time of the arrest was _____.
2. Petitioner's current full name, *if different than name listed in No. 1*, is _____.
3. Petitioner is a _____ born on _____.
[Race] [Sex] [MM/DD/YYYY]
4. Petitioner's KBI number is _____.
5. Petitioner's FBI number is _____.

6. Petitioner was arrested in Wyandotte County, Kansas, by the _____
[Law Enforcement Agency]

on _____ Petitioner was then charged with the following offense(s):
[MM/DD/YYYY].

a. _____,

a severity level _____ in violation of K.S.A. Section _____.

b. _____,

a severity level _____ in violation of K.S.A. Section _____.

c. _____,

a severity level _____ in violation of K.S.A. Section _____.

d. _____,

a severity level _____ in violation of K.S.A. Section _____.

7. Expungement of my arrest record is proper because:

[CHOOSE **ONE** OF THE FOLLOWING]

a. ☐ The arrest occurred because of mistaken identity;

OR

b. ☐ The arrest occurred as a result of mistaken identity or another person using the identifying information of the named person, and the charge against the named person was dismissed or not prosecuted;

OR

c. ☐ A court found that there was no probable cause for the arrest;

OR

d. ☐ The Petitioner was found not guilty in court proceedings;

OR

- e. ☐ The expungement would be in the best interests of justice and charges have been dismissed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Petitioner's arrest records herein, named above, shall be expunged and Petitioner shall be treated as not having been arrested. The Clerk of the District Court, upon receipt and filing herein, shall send a certified copy of the Order of Expungement to the Kansas Bureau of Investigation which shall notify the Federal Bureau of Investigation, the Secretary of Corrections, and any other criminal justice agency which may have a record of the arrest described herein.

If the expungement is granted because of 7b above,

IT IS FURTHER ORDERED, ADJUDGED AND DECREED the Kansas bureau of investigation is to purge the arrest information from the criminal justice information system central repository and all applicable state and federal databases.

If the expungement is granted because of 7e. above,

IT IS FURTHER ORDERED, ADJUDGED AND DECREED in the interest of public welfare, that the Petitioner shall disclose the arrest herein expunged as follows:

- a. In any application for employment as a detective with a private detective agency, as defined in K.S.A. 75-7b01 and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01 and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01 and amendments thereto, of the department for aging and disability services;

- b. In any application for admission, or for an order of reinstatement, to the practice of law in this state;
- c. To aid in determining the Petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;
- d. To aid in determining the Petitioner's qualifications for executive director of the Kansas racing commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;
- e. In any application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142 and amendments thereto;
- f. To aid in determining the Petitioner's qualifications to be an employee of the state gaming agency;
- g. To aid in determining the Petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact, or;
- h. In the following circumstances as deemed appropriate by the Court:

--

IT IS SO ORDERED.

Judge of the District Court

Submitted by:

Approved by:

Signature of Petitioner/ Petitioner's Attorney

Assistant District Attorney

Name (Print): _____

Name (Print): _____ # _____

Address 1: _____

Address: 710 N 7th Street, Suite 10

Address 2: _____

City, State, Zip: Kansas City, KS 66101

City, State, Zip: _____

Telephone Number: 913-573-2851

Telephone Number: _____

E-mail: _____

E-mail: _____

STATE OF KANSAS,)	
Plaintiff,)	
vs.)	
_____)	Case No. _____
Defendant/Petitioner.)	
)	

Pursuant to K.S.A. 22-2410

The Court finds jurisdiction and venue are proper. Notice to parties and those required to receive notice has been given as required by law.

1. Petitioner's full name at the time of the arrest was _____.
2. Petitioner's current full name, *if different than name listed in No. 1*, is
_____.
3. Petitioner is a _____ born on _____.
[Race] [Sex] [MM/DD/YYYY]
4. Petitioner was arrested in Wyandotte County, Kansas, by the _____.

[Law Enforcement Agency]

On _____ Petitioner was then charged with the following offense(s):
[MM/DD/YYYY].

a. _____,

a severity level _____ in violation of K.S.A. Section _____.

b. _____,

a severity level _____ in violation of K.S.A. Section _____.

c. _____,

a severity level _____ in violation of K.S.A. Section _____.

d. _____,

a severity level _____ in violation of K.S.A. Section _____.

5. The request for expungement is denied for the following reason(s):

IT IS THEREFORE ORDERED, AJUDGED AND DECREED that the Petitioner's arrest records herein, named above, shall not be expunged.

IT IS SO ORDERED.

Judge of the District Court

Submitted by:

Approved by:

Signature of Petitioner/ Petitioner's Attorney

Assistant District Attorney

Name (Print): _____
Address 1: _____
Address 2: _____
City, State, Zip: _____
Telephone Number: _____
E-mail: _____

Name (Print): _____ # _____
Address 1: 710 North 7th Street
Address 2: Suite 10
City, State Zip: Kansas City, KS 66101
Telephone Number: 913-573-2851
E-mail: _____