



Office of the District Attorney
Eighteenth Judicial District of Kansas
at the Sedgwick County Courthouse
535 North Main
Wichita, Kansas 67203

Nola Foulston
District Attorney

316-660-3600
1-800-432-6878

The Kansas statute allows any person convicted or granted diversion in this state of a traffic infraction, tobacco infraction, misdemeanor, severity level 6-10 non-drug crimes, and severity level 4 drug crimes, to petition the court for expungement if more than three (3) years have elapsed since the person satisfied the sentence imposed or was discharged from probation, parole, or post-release supervision. (K.S.A. 21-4619 (a) (2)).

Five or more years must have elapsed since the person satisfied the sentence imposed, terms of diversion, or discharged from probation, parole, or post release supervision if the person was convicted of a class A, B, C Felony, off-grid felony or severity level 1 through 5 of any non-drug crime, severity level 1 through 3 of the drug grid, vehicular homicide, driving while the cancelled, suspended or revoked, perjury, applying for a title of a motor vehicle under a false name or address, any crime punishable as a felony, wherein a motor vehicle was used, failing to stop at the scene of an accident, or failing to have motor vehicle insurance.

There are certain convictions that can not be expunged. They are the following offenses: rape, indecent liberties with a child, aggravated indecent liberties with a child, aggravated criminal sodomy, criminal sodomy, aggravated indecent solicitation of a child, indecent solicitation of a child, sexual exploration, aggravated incest, endangering a child, abuse of a child, capital murder, murder in the first degree, murder in the second degree, voluntary manslaughter, involuntary manslaughter, involuntary manslaughter while driving under the influence. (K.S.A. 21-4619 (c)).

The proceeding documents are to be used as a guideline in preparing the expungement pleadings. The guideline forms include a petition, affidavit and an order of expungement. You must re-type the petition, affidavit and the order in their entirety, not just fill in the blanks. You can fill out the personal information sheet online and print it to be submitted with your expungement packet.

When you have retyped the forms and completed the personal information sheet, please send to the Office of the District Attorney, at the above address, one copy of the petition, one copy of the affidavit, one copy of the personal information sheet and the original of the order of expungement. Once the required record check has been completed and the attorney has reviewed the file, a decision will be made as to eligibility for expungement. If we agree to the expungement, the attorney will sign the Order

and return it to you for further handling. At that time, you will need to obtain the judge's signature and then file the petition, affidavit and the order with the Clerk of Criminal Court. Please note that the judge's signature must be on the order before it can be filed with the clerk. The clerk's office will advise you regarding how many copies of each pleading they require.

If this office decides to object to the expungement, you will be so notified and the documents you submitted will be returned to you. You can then decide whether you wish to file the petition, schedule a hearing on the petition, and present your request to the Court.

In preparing the petition, affidavit and the order, all information presently set out in these pleadings should be contained in the original documents that are prepared. The information is needed by this office in conducting the record check and is also needed by the various law enforcement agencies which must identify the specific event, arrest and conviction. Since the records are maintained by name, date of arrest, and date of conviction, all that information must be provided as listed on the original complaint/information. A separate petition, affidavit, and order must be completed for each case you are petitioning the court to expunge.

Please feel free to contact our office if you have any questions.



Personal Information Report for Expungment Applicants
Office of the District Attorney ~ 18th Judicial District of Kansas

Note: all questions must be completed. If not applicable, put N/A in the box

1. First Name	2. Middle Name	3. Last Name
4. Maiden Name or Other Name Used	5. Date of Birth	6. Race/Sex
7. Social Security Number	8. Drivers License Number	9. State of Issuance
10. Present Street Address	11. City	12. State and Zip

13. Who do you live with?	14. Full Name and Address	15. Relationship

16. How long have you lived at this address?	
17. Do you stay at other addresses?	

18. List all addresses where you have lived or stayed since your convictions/arrests
If your conviction/arrest was more than 10 years ago, you need only list addresses for the last 10 years.

Street Address	City , State and Zip Code	How long did you live there?

19. Have you had any law enforcement contact since your conviction on this case?	YES	NO

20. If yes, please list each occurrence, date of occurrence and the circumstances of the contact
Attach additional sheets of paper if necessary.

Law Enforcement Contact and Date	Nature of Contact

21. . List the names and addresses of your children or other minor dependents

Name	Address	Age	Relationship

22. Educational and Vocational Training (include high school or highest grade completed , GED if not high school graduate, as well as education beyond high school).

23. Present Employment

Employer	Telephone Number	Address
Date of Employment	Start Date	Ending Date
Occupation	Present Salary	

24. . Employment History (list employment for the past ten years. Begin with last employer. If you need more space, use blank sheet of paper.)

1. Employer	Address	Dates of Employment
Reason for leaving:		
2. Employer	Address	Dates of Employment
Reason for leaving:		
3. Employer	Address	Dates of Employment
Reason for leaving:		
4. Employer	Address	Dates of Employment
Reason for leaving:		

I swear/or affirm that the above and foregoing information in support of my application for expungment is true and correct to the best of my knowledge and belief.

Signature Date

**IN THE EIGHTEENTH JUDICIAL DISTRICT
DISTRICT COURT, SEDGWICK COUNTY, KANSAS
CRIMINAL DEPARTMENT**

)	
)	
Petitioner,)	
vs.)	Case No.
)	
THE STATE OF KANSAS,)	
)	
Respondent.)	
)	

PETITION FOR EXPUNGEMENT OF ARREST RECORD

COMES NOW the defendant in the above-captioned matter and petitions the Court for an Expungement of his criminal record pursuant to K.S.A.22-2410. In support of this petition, defendant alleges and states:

1. That petitioner, _____, is a _____ (race) _____ (sex), with a date of birth of XX/XX/19____; (Only list the year you were born.)
2. That defendant was arrested on _____ by _____ under the name of _____ for the crime of _____;
3. **CHOOSE ONE OF THE FOLLOWING:**
 - a. That the arrest occurred because of mistaken identity;

OR

 - b. A Court found there was no probable cause for the arrest;

OR

 - c. The petitioner was found not guilty in court proceedings;

OR

d. The expungment would be in the best interests of justice and charges have been dismissed or no charges are likely to be filed;

4. The defendant's current circumstances and behavior warrant this expungment and this expungment is consistent with public welfare.

Attorney for Defendant or Pro Se

VERIFICATION

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

_____, of lawful age, being first duly sworn upon his oath, states:

That I am the Petitioner in the above and foregoing action, that I have read the foregoing Petition for Expungment and that the statements contained therein are true and correct.

Defendant

SUBSCRIBED AND SWORN to before me, a Notary Public, on this ___ day of _____, 20__.

Notary Public

My Commission Expires:_____

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Petition for Expungment was mailed, postage prepaid and properly addressed, this ___ day of _____, 20____, to Michelle D. Smith, Assistant District Attorney, Sedgwick County Courthouse, 535 North Main, Wichita, Kansas 67203.

Attorney for Defendant or Pro Se

**IN THE EIGHTEENTH JUDICIAL DISTRICT
DISTRICT COURT, SEDGWICK COUNTY, KANSAS
CRIMINAL DEPARTMENT**

_____ ,)	
)	
Petitioner,)	
vs.)	Case No.
)	
THE STATE OF KANSAS,)	
)	
Respondent.)	
_____)	

AFFIDAVIT

STATE OF KANSAS)	
)	ss:
COUNTY OF SEDGWICK)	

_____, of lawful age, being first duly sworn on oath,
alleges and states:

1. That he/she is the petitioner in the above-captioned matter and is making this Affidavit in support of his/her Petition for Expungment.
2. That he/she is _____ years of age, having been born on XX/XX/19___. (Only type in the year.)
3. **CHOOSE ONE OF THE FOLLOWING:**
 - a. That the arrest occurred because of mistaken identity;

OR

 - b. A Court found there was no probable cause for the arrest;

OR

 - c. The petitioner was found not guilty in court proceedings;

OR

d. The expungment would be in the best interests of justice and charges have been dismissed or no charges are likely to be filed;

4. That he/she is [unemployed] or [employed] at _____, and has been since _____].

5. That he/she is [single] or [married] and the [father] [mother] of _____ children.

6. That [he] [she] is a good citizen and it would be in his/her best interest and in the interest of justice if this expungment would be granted.

FURTHER AFFIANT SAITH NOT.

Affiant

ACKNOWLEDGMENT

BE IT REMEMBERED, that on this _____ day of _____, 20 __, before me, a Notary Public, in and for the County and state aforesaid, came _____, who is personally known to me to be the same person who executed the foregoing Affidavit and he/she duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year above written.

Notary Public

**IN THE EIGHTEENTH JUDICIAL DISTRICT
DISTRICT COURT, SEDGWICK COUNTY, KANSAS
CRIMINAL DEPARTMENT**

_____)	
)	
Petitioner,)	
vs.)	Case No.
)	
THE STATE OF KANSAS,)	
)	
Respondent.)	
_____)	

ORDER OF EXPUNGEMENT

NOW on this _____ day of _____, 20__, this matter comes on for hearing upon the petitioner's Petition for Expungment filed herein. The State of Kansas appears by Michelle D. Smith, Assistant District Attorney. The defendant appears by and through _____ . There are no other appearances.

WHEREUPON, the Court, after hearing evidence, reviewing the files, hearing statements of counsel, and becoming knowledgeable in the premises, finds as follows:

1. The petitioner's full name is _____;
2. The petitioner's full name at the time of his/her arrest in the above-entitled action was _____;
3. The petitioner is a _____ (race) _____ (sex) who was born on XX/XX/19___; (Only type in the year.)
4. The petitioner was arrested in Sedgwick County, Kansas on the _____ day of _____, 19___; by the _____ (name of arresting agency), for the crime of _____;
5. **CHOOSE ONE OF THE FOLLOWING:**
 - a. That the arrest occurred because of mistaken identity;

OR

- b. A Court found there was no probable cause for the arrest;

OR

- c. The petitioner was found not guilty in court proceedings;

OR

- d. The expungment would be in the best interests of justice and charges have been dismissed or no charges are likely to be filed;

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the defendant's related arrest records should be and is hereby expunged and he/she shall be treated as not having been arrested.

If the expungment is requested because of section d as listed above the following must be included:

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendant shall disclose the arrest herein expunged as follows:

1. In any application for employment as a detective with a private detective agency, as defined by 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 of social and rehabilitation services;
2. In any application for admission, or for an order of reinstatement, to the practice of law in this state;
3. 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;
4. 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 pari-mutuel 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;

5. In any application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142 and amendments thereto;
6. To aid in determining the petitioner's qualifications to be an employee of the state gaming agency;
7. 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;
8. In any other circumstances which the court deems appropriate.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Clerk of the District Court, upon receipt and filing herein, shall send a certified copy of the Order of Expungment to the Federal Bureau of Investigation, the Kansas Bureau of Investigation, the Secretary of Corrections, the arresting law enforcement agency, the District Attorney's Office, the probation department, any other criminal justice agency which may have a record of the arrest described herein.

JUDGE OF THE DISTRICT COURT
EIGHTEENTH JUDICIAL DISTRICT

APPROVED:

MICHELLE D. SMITH, #20719
Assistant District Attorney

Attorney for Defendant or Pro Se