

## **Instructions for Expungement of Arrest Record**

### **ADULT CASES ONLY**

The forms required for this process:

1. Instructions
2. Petition for Expungement of Arrest Record
3. Notice of Hearing
4. Order for Expungement of Arrest Record
5. Order Denying Expungement of Arrest Record

**Caution: Use of forms without the assistance of an attorney could harm your legal rights. You may want to have an attorney review your completed forms before you file them with the court. These are basic forms and may not cover every situation.**

### **Notes on Use**

K.S.A. 2017 Supp. 22-2410 allows any person who has been arrested in Kansas to petition the court for expungement of such arrest record. The statute is intended to apply to relatively innocent arrestees, i.e., people who were arrested but, due to a variety of reasons, were not convicted of a crime. This form does not apply to situations wherein a person is arrested and subsequently entered into and completes a diversion agreement to avoid having a conviction on record, or is arrested and convicted.

This form is intended for use when one has been arrested due to mistaken identity, a court has found there was no probable cause for the arrest, one has been found not guilty in court, or charges have been dismissed or are not likely to be filed. If a person has been charged with and convicted of a crime, or entered into and completed a diversion agreement, a different form applies to the expungement of such records including related arrest records.

The docket fee is \$176.00 and the Supreme Court may impose a charge not to exceed \$19.00 per case. The docket fee and surcharge will not be imposed where the arrest was a result of identity theft, criminal charges were dismissed, the court found no probable cause, or there was a finding of not guilty.

### **Read Directions Completely – Please Type or Print Neatly**

1. Defendant: Complete a Criminal Information Sheet. Provide this form to the Saline County Clerk of the District Court when you file your petition.
2. Complete the Petition for Expungement of Arrest Record to include the case number(s). Where your name is required, insert your full legal name.
3. If you do not know the case number, you can obtain it from the Clerk of the Court. A research fee may be required.

4. Sign the Petition for Expungement of Arrest Record. Your signature is your affirmation that all the information in the petition is accurate to the best of your knowledge.
5. File the original Petition for Expungement of Arrest Record with the Saline County Clerk of the District Court and pay the required docket fee of \$176.00 and a \$19.00 surcharge imposed by the Supreme Court. This fee is to be applied to each case number expungement is requested on.
6. Mail a copy of the Petition for Expungement of Arrest Record to:

**Saline County Attorney  
300 W. Ash, Rm. 302  
Salina, KS 67401**

And to the arresting agency:

**Salina Police Department  
255 N. 10<sup>th</sup>  
Salina, KS 67401**

**Saline County Sheriff's Office  
251 N. 10<sup>th</sup>  
Salina, KS 67401**

**Kansas Highway Patrol  
2019 E. Iron Ave.  
Salina, KS 67401**

**Kansas Bureau of Investigation  
1620 SW. Tyler St.  
Topeka, KS 66612**

7. Set an appointment to meet with the County Attorney, 300 W. Ash Room 302, Salina, KS 67401. (785) 309-5815. Bring the Order for Expungement of Arrest Record with you. If the County Attorney approves the Order for Expungement, you can file the order with the Clerk of the District Court.
8. If the County Attorney will not approve the order for expungement, complete the Notice of Hearing and set the petition for scheduling on a Monday docket. The Clerk of the Court or the judge's administrative assistant can assist you. Mail a copy of the Notice of Hearing to the County Attorney. File the original with the Clerk of the Court. Select the judge associated with the courtroom.  
  

Judge Jared Johnson	(785) 309-5837 (Administrative Assistant)
Judge Patrick Thompson	(785) 309-5840 (Administrative Assistant)
Judge Rene Young	(785) 309-5838 (Administrative Assistant)
9. Complete paragraphs numbered 1 through 5 of the Order for Expungement of Arrest Record and paragraphs numbered 1 through 4 of the Order Denying Expungement of Arrest Record (just in case). Bring both orders to the hearing.
10. Attend the hearing and answer any questions the court may have.