



Office of the District Attorney
18th Judicial District of Kansas

GENERAL INFORMATION

As set forth in K.S.A. 38-2312, Kansas law allows for any records or files specified in the juvenile code to be expunged upon application to the court in the county in which the records or files are held. Such application may be made by the juvenile, if 18 years of age or older or, if the juvenile is less than 18 years of age, by the juvenile's parent or next friend.

ELIGIBILITY

Pursuant to statute, a juvenile is eligible to petition for expungement if:

1. The juvenile is 23 years of age or older; or
2. Two years have elapsed since the juvenile was discharged from the case; or
3. One year has elapsed since the juvenile was discharged from an adjudication for selling sexual relations; or

The juvenile was a victim of human trafficking, aggravated human trafficking or commercial sexual exploitation of a child, the juvenile's adjudication concerned acts committed by the juvenile as a result of such victimization (unless adjudication was for an offense listed under "INELIGIBILITY" below), and the juvenile has been discharged from the case.

If the juvenile is eligible, as set forth above, then the court must order expungement of the records and files if:

1. Since final discharge, the juvenile has not been convicted or adjudicated of a felony or misdemeanor other than a traffic offense and no proceedings are pending which seek such conviction or adjudication, and
2. The circumstances and behavior of the juvenile warrant expungement.

INELIGIBILITY

Kansas law **prohibits** expungement of records or files for the following offenses:

- Capital murder, murder in the first degree, murder in the second degree, voluntary manslaughter, or involuntary manslaughter
- Rape
- Indecent liberties with a child or aggravated indecent liberties with a child
- Aggravated criminal sodomy
- Indecent solicitation of a child or aggravated indecent solicitation of a child

JUVENILE DIVISION
1900 E. MORRIS
WICHITA, KANSAS 67211

- Sexual exploitation of a child
- Internet trading in child pornography or aggravated internet trading in child pornography
- Aggravated incest
- Endangering a child
- Abuse of a child
- An attempt to commit a violation of any of the offenses specified above

Any offender who is required to register as provided in the **Kansas offender registration act** is not eligible for expungement of any conviction or any part of the offender's criminal record while the offender is required to register as provided in the Kansas offender registration act. A registered drug offender may be eligible to petition for relief from the duty to register pursuant to K.S.A. 22-4908.

DOCUMENTS AND PROCEDURE

The following documents can be used as a guideline in preparing expungement pleadings. The forms include a petition, a personal information report and an order of expungement. You must complete the forms in their entirety. You can fill out the documents online and print them to submit.

In completing the documents, please provide the requested information in the order listed. Your name must appear as it was written on the original charge. When you have completed the forms, please send them to the Office of the District Attorney at the juvenile address.

Once the required records check has been completed and an attorney has reviewed your pleadings, facts of the case and your criminal history or background, a decision will be made regarding the appropriateness of expungement. If the District Attorney's Office agrees to the expungement, our attorney will sign the Order and return it to you for further handling. You will then need to obtain a judge's signature and file the Petition and Order with the Clerk of the Juvenile Court at 1900 E. Morris. The Clerk's office will advise you regarding how many copies of each document that they require. You may be required to pay a filing fee.

If the reviewing attorney objects to the expungement, you will be notified by mail and the documents you submitted will be returned to you. You have the right to file your petition with the court and set the matter for hearing before a Judge for determination of your eligibility for expungement. Should you decided to set the matter for hearing, please notify our office in writing no less than 21 days prior to the hearing date. That amount of time is necessary to provide victim notification as required by statute.

The expungement process takes approximately 6-10 weeks to complete. Please feel free to contact our office if you have questions.

RESOURCES FOR COMPLETING THE EXPUNGEMENT PROCESS

For information on dates and charges, you can contact the Juvenile Court Clerk's Office at 1900 E. Morris.
(316) 660-5900

For arrest records you must contact the agency who arrested you:

Sedgwick County Sheriff's Department, 141 West Elm, Wichita (316) 660-3888

Wichita Police Department, Records, 455 North Main, Wichita (316) 268-4186

Kansas Highway Patrol, Records, 122 SW 7th, Topeka, KS 66603 (785) 296-6800 (#2)

Completed and signed forms can be mailed or hand-delivered to:

Office of the District Attorney – Juvenile Division, 1900 E. Morris, Wichita, KS 67211

The Office of the District Attorney cannot give you legal advice. If you need legal assistance consider using the “Find a Lawyer” Service that can be found on the Wichita Bar Association website:
www.wichitabar.org.

PERSONAL INFORMATION REPORT FOR EXPUGNEMENT APPLICANTS

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

First Name _____ Middle Name _____ Last Name _____

Maiden Name/Other Name Used _____ Date of Birth _____ Race/Sex _____

Social Security Number _____ Driver's License Number _____ State of Issuance _____

Present Street Address _____ City, State and Zip _____

Phone Number _____

Have you had any law enforcement contact since your conviction on this case? Yes No

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

Present Employer

Employer _____ Telephone Number _____

Address _____ Date of Employment _____ Occupation _____

Why are you seeking an expungement?

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

Signature _____

Date _____

IN THE EIGHTEENTH JUDICIAL DISTRICT
DISTRICT COURT OF SEDGWICK COUNTY, KANSAS
JUVENILE DIVISION

IN THE MATTER OF

Case Number _____

Respondent
DOB _____

PETITION FOR EXPUNGEMENT

Pursuant to K.S.A. 38-2312

COMES NOW, **the juvenile named above, having attained the age of 18 years**
, parent or next friend of the juvenile named above
who is less than 18 years of age, moves the Court for an order of expungement. In support thereof the following is alleged:

1. The full name of the juvenile offender is _____ ;
2. The full name of the juvenile offender as reflected in the court record if different than #1 is _____ ;
3. The juvenile offender is a [Race] _____ [Sex] _____ who was born in [Year of Birth] _____ ;
4. The juvenile offender was adjudicated on [Date] _____, before the Honorable _____, Judge of the District Court, of the following crimes [list charges, statute number, severity level or class of felony, and person/nonperson felony/misdemeanor]:

5. *Check the applicable box below*

The juvenile offender has reached 23 years of age or older;

OR

Two years have elapsed since final discharge of the juvenile offender;

OR

One year has elapsed since the final discharged for an adjudication concerning acts which, if committed by an adult, would constitute a violation of K.S.A. 21-6419, and amendments thereto, selling sexual relations;

OR

The juvenile offender was a victim of human trafficking, aggravated human trafficking or commercial sexual exploitation of a child, the adjudication concerned acts committed by the juvenile as a result of such victimization, and this expungement is on or after final discharge of the juvenile offender.

6. The juvenile offender has not been convicted of a felony or of a misdemeanor other than a traffic offense or adjudicated as a juvenile offender since the date of adjudication herein, and no proceedings are pending seeking conviction or adjudication of the named juvenile offender;
7. The offense for which expungement is sought is not one of the offenses set out in K.S.A. 38-2312(b), for which no expungement is permitted;

Petitioner affirms under penalty of perjury that the statements in this Petition are accurate to the best of petitioner's knowledge and petitioner respectfully request that the Court set this matter for hearing and grant the expungement.

Juvenile Offender/Parent/Next _____
Friend Name (Print) _____

Attorney for Juvenile (*if applicable*) _____
Name (Print) _____
Supreme Court Number _____

IN THE EIGHTEENTH JUDICIAL DISTRICT
DISTRICT COURT OF SEDGWICK COUNTY, KANSAS
JUVENILE DIVISION

IN THE MATTER OF

Case Number _____

Respondent
DOB _____

ORDER FOR EXPUNGEMENT

Pursuant to K.S.A. 38-3212

NOW on this day ____ of _____ 20____, the Court considers the Petition for Expungement filed herein. The State is represented by _____, Assistant District Attorney. The juvenile offender **pro se** represented by [Attorney's name]_____. Others appearing, if any, are _____

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 parties_____, having reviewed file_____, having received evidence _____, and/or having heard statements of counsel _____, finds the following orders:

1. The full name of the juvenile offender is _____ ;
2. The full name of the juvenile offender as reflected in the court record, if different than #1, is _____ ;
3. The juvenile offender is a [Race] _____ [Sex] _____ who was born in [Year of Birth]_____;
4. The juvenile offender was adjudicated on [Date]_____, before The Honorable _____, Judge of the District Court, of the following offense(s) (list charges, severity level or class of felony, person/nonperson felony/misdemeanor, and statute number):

5. *Check if applicable box below*

The juvenile offender has reached 23 years of age or older;

OR

Two years have elapsed since final discharge of the juvenile offender;

OR

One year has elapsed since the final discharged for an adjudication concerning acts which, if committed by an adult, would constitute a violation of K.S.A. 21-6419, and amendments thereto, selling sexual relations;

OR

The juvenile offender was a victim of human trafficking, aggravated human trafficking or commercial sexual exploitation of a child, the adjudication concerned acts committed by the juvenile as a result of such victimization, and this expungement is on or after final discharge of the juvenile offender.

6. The juvenile offender has not been convicted of a felony or of a misdemeanor other than a traffic offense or adjudicated as a juvenile offender since the date of adjudication herein, and no proceedings are pending seeking conviction or adjudication of the named juvenile offender;
7. The offense for which expungement is sought is not one of the offenses set out in K.S.A. 38-2312(b), for which no expungement is permitted.
8. The circumstances and behavior of the juvenile offender warrant expungement.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the records and files herein, named above, shall be expunged. The offense which the records or files concern shall be treated as if it never occurred, except that, upon conviction of a crime or adjudication in a subsequent action under the juvenile code, the offense may be considered in determining the sentence to be imposed. The respondent, the court and all law enforcement officers and other public offices and agencies shall properly reply on inquiry that no record or file exists with respect to the respondent. Inspection of the expunged files or records thereafter may be permitted by order of the court upon petition by the respondent. The inspection shall be limited to inspection by the respondent and the respondent's designees.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon entry of this Order of Expungement, the custodian of the records or files of adjudication relating to the expunged offense(s) shall not disclose the existence of such records or files, except when requested by:

1. The person whose record was expunged;
2. A private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;
3. A court, upon a showing of a subsequent conviction of the person whose record has been expunged;
4. The secretary for aging and disability services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined

in K.S.A. 76-12a01, and amendments thereto, of the Kansas department for aging and disability services of any person whose record has been expunged;

5. A person entitled to such information pursuant to the terms of the expungement order;
6. The Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining 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;
7. The Kansas sentencing commission; or
8. The Kansas bureau of investigation, for the purposes of:
 - a. Completing a person's criminal history record information within the central repository in accordance with K.S.A. 22-4701 et seq., and amendments thereto; or
9. Providing information or documentation to the federal bureau of investigation, in connection with the national instant criminal background check system, to determine a person's qualification to possess a firearm.

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 Expungement to the Kansas Bureau of Investigation, which shall notify every juvenile or criminal justice agency which may possess records or files ordered to be expunged.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Order of Expungement shall not affect any previous Court Order pertaining to costs, fees, and restitution. All amounts unpaid are still due and owing unless otherwise specified within this Order.

Nothing in this Order shall be construed to prohibit the maintenance of information relating to an offense after records or files concerning the offense have been expunged if the information is kept in a manner that does not enable identification of the juvenile offender.

Nothing in this section shall be construed to permit or require expungement of files or records related to a child support order registered pursuant to the revised Kansas juvenile justice code.

IT IS ORDERED this day ____ of _____, 20____.

Judge of the District Court
Eighteenth Judicial District, Division _____

Submitted by:

Respondent/Respondent's _____

Attorney Name (print) _____

Supreme Court Number _____

Approved by

Assistant District Attorney _____

Name (print) _____

Supreme Court Number _____