

HOW TO FILE AN ARD EXPUNGEMENT

JUDGE HENRY S. KENDERDINE, JR.



COURT SELF HELP CENTER

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Neither the staff in the Center nor the staff in any Court office will be able to give you legal advice or help you fill out/complete the forms. The information in the packets is not a substitute for professional legal advice. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. If you want to obtain the services of an attorney but do not know whom to contact, you may call the Lawyer Referral service at 393-0737.

06/06/17

Accelerated Rehabilitative Disposition (ARD) Expungement

If you have completed the ARD program, you can use this packet to file a Motion for Dismissal of Charges and Expungement of Record. If you are pursuing an expungement NOT related to completion of the ARD program, it is recommended that you consult an attorney; you may not use these forms. If you are not sure if you have completed the ARD program, please check your criminal record on the docket sheets on the UJS portal-www.pacourts.us

Please complete the following steps to petition the court for an ARD expungement:

1. Prepare your Motion for Dismissal and Expungement —You will need to complete the attached Motion with the following information ;
 - (a) Your full name, address, any aliases, date of birth and social security number;
 - (b) Court of Common Pleas docket number;
 - (c) OTN (offense tracking number);
 - (d) Complete name and address of judge who heard your case/accepted your plea;
 - (e) Date of arrest/date on complaint and name and address of Criminal Justice agency which made arrest
 - (f) Specific charges to be expunged as they appear on Criminal Complaint Reason for expungement;
 - (g) Date of acceptance into ARD and length of program;
 - (h) Disposition of fines, costs and restitution, if any;
 - (i) Criminal Justice agencies upon which certified copies of the order shall be served. The following is a list of criminal justice agencies that you might need to serve:
 - Pennsylvania State Police Expungement Unit;
 - Magisterial District Judge;
 - Police Department that made arrest;
 - FBI;
 - Court Administration;
 - District Attorney's Office;
 - Bureau of Collections;

Court Reporters;
Lancaster County Prison; and
Any other police department, office, agency or keeper of criminal records
involved in the case. You must include the mailing address of any
office/agency that is not on the above list.

- (j) Sign and date the attached Verification form.
2. Complete the Affidavit Form (Exhibit A). This document needs to be notarized prior to filing the Expungement motion.
 3. Complete the Certification of Agency Form (Exhibit "B"). This document needs to be signed and completed prior to filing the Expungement Petition by the Adult Probation and Parole Services Office, located at 40 E. King St., Lancaster, PA. This needs to be filled out by the Probation Officer that supervised your probation period. For additional information, please call (717) 299-8016 or visit: <http://www.co.lancaster.pa.us/courts/site/default.asp>.
 4. Complete a Certificate of Service Form (Exhibit C). You must serve a copy of this Order and Motion simultaneously with filing. Service of this Order and Petition must be by personal delivery **or** by mailing one copy of each by U.S. first class mail, postage pre-paid, in accord with Pa.R.Crim.P. 576(B). If you choose the personal delivery option, you must deliver a copy of the Order and Motion to the District Attorney of Lancaster County; the District Attorney's Office is located on the fifth floor of the courthouse. If you choose to mail a copy of the Order and Motion, the appropriate address is:

District Attorney of Lancaster County
50 North Duke Street
P.O. Box 83480
Lancaster, PA 17608-3480

Regardless of which service option you choose, you must type or write the above address on the blanks provided on the Certificate of Service. You must fill in the date line on the Certificate of Service indicating the date you actually either personally delivered or mailed your Order and Motion. You must also attach a completed copy of your Certificate of Service to your Motion before you file and serve it.

5. Prepare the Proposed Order for Dismissal and Expungement —You will need to complete the attached order with the following information:
- (a) Your full name, address, any aliases, date of birth and social security number;
 - (b) Court of Common Pleas docket number;
 - (c) OTN (offense tracking number);
 - (d) Complete name and address of judge who heard your case/accepted your plea;
 - (e) Date of arrest/date on complaint and name and address of Criminal Justice agency which made arrest;
 - (f) Specific charges to be expunged as they appear on Criminal Complaint;
 - (g) Reason for expungement;
 - (h) Date of acceptance into ARD and length of program;
 - (i) Disposition of fines, costs and restitution, if any; and
 - (j) Criminal Justice agencies upon which certified copies of the order shall be served—see list above for examples of criminal justice agencies that may need to be served.

PLEASE NOTE—IF YOUR ORDER DOES NOT CONTAIN ALL OF THE REQUIRED INFORMATION, IT MAY BE REJECTED BY THE COURT OR THE ADMINISTRATIVE OFFICE OF THE PENNA. COURTS. IF THE ORDER IS REJECTED, YOU WILL BE REQUIRED TO RE-FILE YOUR PETITION AND PAY THE FILING FEE AGAIN.

6. File the Original and fourteen (14) copies with the Clerk of Courts. The Clerk of Courts office is located on the 2nd Floor of the Courthouse. A **\$137.00 NON-REFUNDABLE** filing fee is required at the time of submission. This payment must be in cash or money order.
7. Please note-the District Attorney may object to the expungement petition. If objections are filed, you will receive notice of the objections. At that point the Court will either deny the petition or schedule a hearing on the objections.

*** If you are pursuing an expungement not related to completion of the ARD program, it is recommended that you consult an attorney.**

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA :
 :
 v. : DOCKET NO.: _____
 :
 _____ (name) : OTN: _____
 :

**MOTION FOR ORDER DISMISSING CRIMINAL CHARGES AND TO EXPUNGE
CRIMINAL RECORD**

The Motion of _____ (name), the above-named
Defendant/Petitioner, respectfully represents as follows:

1. Petitioner may also be known as _____ (list all
aliases); petitioner's address is _____;
petitioner's date of birth is _____;
petitioner's social security number is _____.

2. The Hon. _____ of the Lancaster County
Court of Common Pleas, 50 N. Duke St., Lancaster, PA 17602 accepted petitioner's plea or
heard the petitioner's case.

3. On _____ (date of arrest/date on complaint) Petitioner
was arrested by _____

_____ (name and address of criminal justice agency that made arrest).

4. On or about _____, (date of acceptance into ARD), petitioner, after accepting the conditions of probation and agreeing to comply with the terms therewith, was placed in the Accelerated Rehabilitation Program for a period of _____ (period of time in ARD).

5. Petitioner is requesting dismissal of criminal charges and expungement of criminal record for the following reason:

_____. In support thereof, Petitioner has attached an affidavit, which is marked Exhibit "A". Also attached to this Motion, as Exhibit "B", is the Certification of the Adult Probation Department.

6. A true and correct copy of this Motion and supporting documents was served upon the District Attorney of Lancaster County.

7. Petitioner is therefore requesting that the following charges be dismissed and expunged from his/her criminal record (list separately):

8. The disposition of petitioner's case also included the following fines, costs and/or

VERIFICATION

I verify that the statements made in this Motion are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

Date _____

Petitioner/Defendant

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CRIMINAL

COMMONWEALTH OF PENNSYLVANIA :
 : Docket No. _____
 :
 V. :
 :
 :
 : OTN No. _____

ORDER

AND NOW, this _____ day of _____, 20 ____, upon consideration of the foregoing Motion of Defendant, the Court discharges and dismisses the proceedings against Defendant without adjudication of guilt, and orders that this prosecution shall not constitute a conviction for any purpose whatsoever, unless provided otherwise by law.

It is further **ORDERED** and **DECREED** that the Clerk of Courts of Lancaster County, the criminal justice agencies listed below, the Magisterial District Judge, and all other keepers of the criminal records in this case who are to be served with a copy of the Order, except the Pennsylvania Department of Transportation pursuant to the Vehicle Code, 75 Pa. C.S.A. § 1534 (b), shall expunge and destroy all arrest records, files and any other documents pertaining to the arrest or prosecution for the charge(s) listed below; pursuant to the Defendant's successful completion of Accelerated Rehabilitative Disposition (ARD); and to request, insofar as they are able, the return of such records that they have made available to federal and other state agencies, and to destroy such records upon receipt thereof.

It is further **ORDERED** to file with this Court, within thirty days receipt of this Order, an affidavit that such records have been expunged and destroyed, together with the Court's

expungement order, and to retain no copies thereof.

1. Identifying information of Petitioner

(a) Petitioner's name and all aliases that petitioner has used

(b) Petitioner's address

(c) Petitioner's date of birth

(d) Petitioner's social security number

2. Name and address of judge of Court of Common Pleas who accepted the plea or heard the case

3. Name and mailing address of affiant on the criminal complaint, if available

4. Date of arrest/date on complaint and name of criminal justice agency that made arrest, if available

5. Specific charge(s) to be expunged (list separately)

EXHIBIT "A"

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA :
 :
 v. : DOCKET NO.: _____
 :
 _____ (name) : OTN: _____
 :

AFFIDAVIT

I, _____ (name), being duly affirmed according to law, does hereby depose and say that the facts contained herein are true and correct; that your affiant is the above-named Defendant and makes this application requesting the Court to enter an Order dismissing the aforesaid charges against him. Defendant further swears and affirms that he has satisfactorily completed the program and complied with its conditions.

_____ (signature)

_____ (name)
Defendant

Sworn to and subscribed
before me this ____ day
of _____, 20__.

Notary Public

My commission expires:

EXHIBIT "B"

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA :
 :
 v. : DOCKET NO.: _____
 :
 _____ (name) : OTN: _____
 :

CERTIFICATION OF AGENCY CHARGED WITH SUPERVISION OF DEFENDANT

I, _____ (name of probation officer), being a Probation Officer of the Lancaster County Adult Probation Office does, hereby certify that I supervised the probation of Defendant, _____, imposed by the Court of Common Pleas of Lancaster County; that I am aware of the terms and conditions of Defendant's probation and that Defendant has complied with the terms and conditions of the probation and the signer herein does so certify.

_____ (S)
_____ (name of probation officer)

Dated: _____

