

Pardons, Expungements & Restoration of Rights Seminar

March 24, 2018

Program

Opening Remarks

Zoë Patchell, President, Delaware Cannabis Advocacy Network

The Impact of Arrest and Convictions and the Availability of Relief and Restoration of Rights

Tom Donovan, Esq., Office of Defense Services

Expungements: Clearing Your Record of Arrests When the Criminal Action is Terminated in Your Favor

Chris Teese, Esq., Brown, Shiels & Beauregard

Pardons: Restoring Your Civil Rights After a Conviction

Zach George, Esq., Hudson, Jones, Jaywork & Fisher

Tips for Preparing a Successful Pardon Petition and Presenting Your Case at a Hearing

Adam Windett, Esq., Hopkins & Windett

Seminar Materials

Also available online at delawarecannabis.org/resources

Seminar Power Point: Pardons, Expungements & Restoration of Rights

Obtaining Criminal History Background Checks

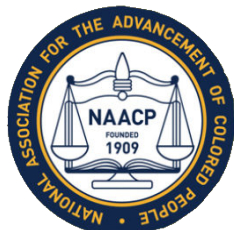
Delaware Family Court Juvenile Expungement Forms

Delaware Family Court Adult Expungement Forms

Delaware Superior Court Expungement Forms

Delaware Board of Pardons Application Packet

In Partnership With



NAACP

Delaware State Conference



Other Resources

Apex Program

The APEX program works to provide opportunities to individuals with criminal histories who wish to obtain gainful employment by helping clients through the pardons and expungement process and providing employer education.

<https://apex.delawareworks.com/>

The Pardons Project

Civic Redemption: A Guidebook for Obtaining a Pardon or Expungement in Delaware

<https://app.box.com/s/yw5yii6bayzgndgjs81t>

Delaware Board of Pardons

Rules of the Board of Pardons, <https://pardons.delaware.gov/rules/>

Forms, <https://pardons.delaware.gov/forms/>

Delaware Courts

Forms, <https://courts.delaware.gov/forms/>

Presenters

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There have been nearly 10,000 cannabis arrests in the past 5 years, since we began advocating to legalize cannabis in 2013. According to the Office of Defense Services there were 3,548 misdemeanor arrests for cannabis in the last 2 years alone.

Cannabis prohibition is the gateway to the criminal justice system, as cannabis possession can be the first offense for a young person, which can leave them

struggling within the criminal justice system for years. An alleged odor of cannabis is often the reason provided by law enforcement to justify intrusions into homes and for searches of cars. Cannabis consumption; an act safer than alcohol consumption; can lead to costly forced treatment, onerous probationary terms, and violations of probation.

We're working to end the war on cannabis in the First State. With an active bill to legalize cannabis in Delaware Legislature, we're closer than ever to achieving that goal. To learn more about how you can help, visit delawarecannabis.org or contact us at info@delawarecannabis.org or (302) 404-4208.

Obtaining Criminal History Background Checks

1. The court is unable to provide individuals with criminal history background information. All requests (fingerprints required) must be made to the State Bureau of Identification (SBI) of the Delaware State Police.
2. The fee for each criminal history is \$52.50.
3. All criminal history results will be mailed to the individuals in approximately 4-6 weeks
4. To obtain a copy of your nationwide criminal history you must submit a fingerprint card to the FBI with the appropriate fee. SBI can provide the necessary fingerprint card for a fee of \$10.00.

Below is the schedule for fingerprinting to obtain your criminal history:

Kent County (no appointment needed except for DPC Applicants)

The office is located at 655 South Bay Road, Suite 1B, Dover, DE 19901, in the Blue Hen Corporate Center. Enter the road between Kent County Levy Court and Firestone, then follow the fingerprint signs.

Hours of operation are:

- Mondays, 8:30 a.m. to 6:30 p.m.
- Tuesday through Friday, 8:30 a.m. to 3:30 p.m.
- For Questions or to Schedule an Appointment, call [\(302\) 739-5871](tel:3027395871)

The results of the completed certified criminal history will not be returned the same day. The results will be forwarded to the recipient as soon as operationally possible.

- [Holiday Closing Schedule](#)

Sussex County (by appointment only)

The office is located inside the Thurman Adams State Service Center located at 546 S. Bedford Street, Room 202, Georgetown, DE.

Hours of operation are:

- Monday –Thursday, 8:30 a.m. – 3:30 p.m.
- For Questions or to Schedule an Appointment, call [\(302\) 739-2528](tel:3027392528).
- **CASH IS NOT ACCEPTED** at this location.

The results of the completed certified criminal history will not be returned the same day. The results will be forwarded to the recipient as soon as operationally possible.

- [Holiday Closing Schedule](#)

New Castle County (by appointment only)

The office is located at Delaware State Police Troop 2, on Route 40, in Bear, just west of the Fox Run Shopping Center, between routes 72 and 896, across from the Glasgow walking park and next to the YMCA.

The hours of operation are:

- Mon, Wed, Thurs, and Fri, 8:30 a.m. to 3:15 p.m.
- Tuesday, 11:30 a.m. to 6:15 p.m.
- For Questions or to Schedule an Appointment, call [\(302\) 739-2528](tel:3027392528).

The results of the completed certified criminal history will not be returned the same day. The results will be forwarded to the recipient as soon as operationally possible.

- [Holiday Closing Schedule](#)

To schedule an APPOINTMENT (if necessary) call [1-800-464-4357](tel:18004644357)

This information comes from the State Bureau of Identification (SBI) and not from the court. Please contact SBI or go to their [website](#) for the most current information.



An Expungement removes a case from a criminal history.

The statute defines case as “A charge or set of charges related to a complaint or incident that are or could be properly joined for prosecution.”

Related Forms:
282M, 282D, &
240

Related Costs:
A cost will be assessed by SBI for a certified copy of a criminal history.

A GUIDE TO EXPUNGEMENT OF JUVENILE RECORDS IN THE FAMILY COURT

EXPUNGEMENT OF A JUVENILE RECORD

FAMILY COURT OF THE STATE OF DELAWARE

<https://courts.delaware.gov/family>

What is an Expungement?

An order expunging a juvenile record erases a juvenile criminal record. When an expungement order is entered, the Court will order the State Bureau of Identification (“SBI”) to delete all records of the arrest. Once your record has been expunged, you are legally entitled to report that you have never been arrested or convicted for the expunged charge(s).

An expungement can occur in one of two ways. First, during any Family Court proceeding where any misdemeanor or violation case is terminated in favor of a child, the Court *sua sponte*, or upon request of any party, **may** immediately order the expungement of the juvenile criminal history. This is called an **Immediate Expungement**. In order to be eligible for an immediate expungement, the child must otherwise qualify for a mandatory expungement. The second way is by filing a Petition for Expungement of a Juvenile Record. In Delaware, Sections 1014-1019 of Title 10 of the *Delaware Code* govern the process of petitioning for expungement of a juvenile record. The remainder of this guide provides information on how to file a Petition for Expungement.

Important Terms Related to Expungements:

Not all criminal records or charges qualify for an expungement. The law sets out specific circumstances for the expungement of juvenile records and specific charges that may be expunged. For example, Title 21 offenses (i.e. driving offenses) cannot be expunged. To determine whether your case might qualify for an expungement under the law, you must understand certain terms.

“Terminated in favor of the child” means that you were acquitted of all charges related to your case; or a nolle prosequi was entered on all charges related to your case; or the charges were dismissed for any reason. The dismissal might be because you successfully completed Arbitration, Probation Before Adjudication of Delinquency, or any Court approved diversion program.

A “case” is defined by statute as a charge or set of charges related to a complaint or incident that were joined for prosecution, or could have been joined for prosecution.

“Adjudication of delinquency” means you were found guilty after a trial, or you entered a plea of nolo contendere.

“Adult conviction” means a finding of guilt or nolo contendere entered by a Court for a charge or charges following a plea or trial. Only offenses for which a period of incarceration may be imposed shall be considered an adult conviction for purposes of a juvenile expungement. Other than felony convictions for driving a vehicle while under the influence, convictions for Title 21 offenses shall not be considered a conviction for purposes of a juvenile expungement.

“Sex offense” means any offense listed in Section 4121(a)(4) of Title 11. The list includes offenses in Sections 765 through 780, 787(b)(3)-(4), 1100A, 1108 through 1112B, 1335(a)(6), 1335(a)(7), 1352(2), 1353(2) or 1361(b) of Title 11.

<http://delcode.delaware.gov/title11/c041/sc03/index.shtml#4121>

<http://delcode.delaware.gov/title11/c005/sc02/index.shtml> (Section 765 through 787(b)(3)-(4))

<http://delcode.delaware.gov/title11/c005/sc05/index.shtml> (Section 1100 through 1112A)

<http://delcode.delaware.gov/title11/c005/sc07/index.shtml> (Section 1335 (a)(6) through 1361(b))

“Misdemeanor sex offense” means any misdemeanor offense listed in Section 4121(a)(4) of Title 11.

“Felony sex offense” means any felony offense listed in Section 4121(a)(4) of Title 11.

<http://delcode.delaware.gov/title11/c041/sc03/index.shtml#4121>

“Violent felony” is defined as any offense listed in Section 4201 of Title 11.

<http://delcode.delaware.gov/title11/c042/index.shtml#4201>

Two Types of Juvenile Expungement Petitions:

I. Mandatory Expungement:

For certain crimes, the expungement is mandatory, or nearly automatic, once you obtain your criminal record from SBI and you file a Petition for Expungement of Juvenile Record (Mandatory) in Family Court. To qualify for a mandatory expungement, **you must not have an adult conviction (as defined above) or any pending criminal charges. Additionally, you must not have been adjudicated delinquent of first degree murder (§ 636 of Title 11), second degree murder (§ 635 of Title 11), first degree kidnapping (§ 783A of Title 11), manslaughter under either Section 632(2) or 632(5) of Title 11, rape first degree (§ 773 of Title 11), rape second degree (§ 772 of Title 11), arson first degree (§ 803 of Title 11), or an attempt to commit any of the aforementioned offenses.**

To have the Court order a mandatory expungement, your juvenile criminal history must also indicate:

- only misdemeanor and violation cases that were terminated in your favor (that means you were either acquitted of all charges following a trial, or a nolle prosequi was entered, or the charges were otherwise dismissed).

OR

- only felony, misdemeanor and violation cases were terminated in your favor and at least one (1) year has passed since the last felony case was terminated in your favor. (Note: If it has been less than one (1) year since the case was concluded, you may qualify for a discretionary expungement, as explained below).

OR

- no more than one (1) felony, misdemeanor, or violation case, which resulted in an adjudication of delinquency and at least three (3) years have passed since the date of adjudication provided the adjudication was not for a violent felony, felony sex offense, or misdemeanor sex offense as defined by Section 1016 of Title 10.

II. Discretionary:

If your case does not qualify for a mandatory expungement as explained above, you may still qualify for a discretionary expungement. A discretionary expungement means that the Attorney General's office will have an opportunity to respond to your petition, and the Court will weigh the facts of your case to determine whether the petition is granted. The Court may choose to hold a hearing to determine whether or not an expungement will be granted.

Like the mandatory expungements, to qualify for a discretionary expungement **you must not have an adult conviction (as defined above) or any pending criminal charges. Additionally, you must not have been adjudicated delinquent of first degree murder (§ 636 of Title 11), second degree murder (§ 635 of Title 11), first degree kidnapping (§ 783A of Title 11), manslaughter under either Section 632(2) or 632(5) of Title 11, rape first degree (§ 773 of Title 11), rape second degree (§ 772 of Title 11), arson first degree (§ 803 of Title 11), or an attempt to commit any of the aforementioned offenses.**

To have the Court order a mandatory expungement, your juvenile criminal history must also indicate:

- only felony, misdemeanor, or violation cases, all of which were terminated in your favor and less than one (1) year has passed since termination of the last felony.

OR

- a single case that resulted in a adjudication of delinquency for a misdemeanor sex offense or violent felony and at least three (3) years have passed since adjudication.

OR

- no more than one case which resulted in an adjudication of delinquency for a felony sex offense and at least five (5) years have passed since adjudication.

OR

- Multiple adjudications for cases, except Title 11 violent felonies and felony sex offenses, and at least five (5) years have passed since the last adjudication.

OR

Multiple adjudications for cases, that include Title 11 violent felonies and felony sex offenses, and at least seven

- (7) years have passed since the last adjudication.

AND

You must show a manifest injustice if the charges were to remain on your arrest record.

How to File

Step 1: Obtain a certified copy of your Delaware criminal record.

Whether you are filing for a mandatory or discretionary expungement, in both instances, you will need a certified copy of your Delaware criminal record. The State Bureau of Identification will be able to provide you with a certified copy of your Delaware criminal record at one of their locations for a set fee. The three (3) Delaware SBI locations are:

<p>New Castle County Delaware State Police – Troop 2 100 Lagrange Ave. Newark, DE 19720 1-800-464-4357 OR (302) 739-2528</p> <p>APPOINTMENT REQUIRED</p>	<p>Kent County Blue Hen Mall & Corporate Center Suite 1B 655 Bay Road Dover, DE 19901 (302) 739-5871</p> <p>NO APPOINTMENT NECESSARY</p>	<p>Sussex County Thurman-Adams State Service Ctr. Room 202 546 S. Bedford Street Georgetown, DE 19947 (302) 856-5340</p> <p>APPOINTMENT REQUIRED</p>
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Step 2: Determine Which Expungement Type You Could Be Eligible to File with Your Charges

Once you've received the certified copy of your Criminal History, review the guide and FAQ and determine if your charges fall within any of the categories described. If your charges do not meet the criteria for mandatory expungement, review the guide and FAQ to determine whether your charges are eligible for a discretionary expungement. If your charges do not meet the requirements for either, you are not eligible to have your juvenile record expunged.

IF YOU ARE NOT ABLE TO DETERMINE WHETHER OR NOT YOUR CHARGES FALL WITHIN THE DESIGNATED CATEGORIES, YOU MAY NEED TO CONSULT WITH AN ATTORNEY.

Step 3: Complete and file your Petition for Expungement with the Court

Your Petition for Expungement, whether it be Mandatory or Discretionary, must be filed in the County where the most recent case was resolved. Your petition must include the certified copy of your criminal history from SBI.

IF you are filing for a **Discretionary Expungement**, there will be two additional steps:

1. Within the petition you will need to describe to the Court why the existence of your criminal history has created a **manifest injustice**. You have the burden of stating specific facts to support why having these charges on your record is causing you hardship. Space has been provided toward the bottom of the petition for this purpose. **YOU MUST COMPLETE THIS SECTION**
2. You must serve the Deputy Attorney General's office with a copy of your petition by mailing them a copy of the ENTIRE pleading (including your criminal history.) The address to the Deputy Attorney General's office in each County is listed at the top of the Petition for Discretionary Juvenile Expungement. An Affidavit of Mailing is also attached to the Petition which you will have notarized and filed with the Court upon mailing the filing to the Attorney General's Office.

Will I need to attend a Court hearing?

If you filed for a discretionary expungement, the Court may hold a hearing, or may grant your request without a hearing. If the Court decides to have a hearing, you will receive notice of the date and time.

What will happen if my adjudication of delinquency is expunged?

If the Court enters an Order granting your Petition for Expungement of Juvenile Record, then all evidence of your adjudication of delinquency and arrest record relating to the adjudication will be shielded from view. In addition, you will not have to disclose the arrest on the expunged charge(s) for any reason.

When a potential employer does a criminal background check, there will be no evidence on record with the Court or other State agencies relating to the expunged adjudication.

Where can I get a Petition for Expungement?

Petitions for Expungement of Juvenile Record both Mandatory and Discretionary are available at Family Court or on the Family Court website <http://courts.delaware.gov/family>.

ATTACHED. YOU WILL FIND AN ADDITIONAL GUIDE TO ASSIST YOU WITH UNDERSTANDING YOUR CRIMINAL HISTORY AND DETERMINING WHETHER YOUR CHARGE(S) QUALIFY FOR AN EXPUNGEMENT.

Criminal History Guide

Once you receive your criminal history from SBI, use this guide to help you better understand the document. This can help you to determine if your charges qualify for an expungement.

Name of Individual: John Doe

Date of Birth: 11/15/1970

FBI Number: 0000000000

SBI Number: 0000000000000

John Doe

Alias of the Individual

Charge History

Date of Arrest: 09/11/2008 Charging Agency: New Castle County PD

Complaint: 0192837455 Charge Sequence: 001 Charge: DE: 11 : 0601 : 00a1 : M :

Case #: 0888992211 Court of Record: New Castle County Family Court

Date of Disposition: 11/9/2008

Disposition: Dismissed

DE : 11 : 0601 : 00a1 : M :

This indicates the **Title** of the Delaware Code in which the charge is defined. (In this example, Title 11.)

This indicates the **section** of the Delaware Code in which the charge is defined. (In this example, Section 601.)

This indicates the **sub section** of the Delaware Code in which the charge is defined. (In this example Sub Section (a)(1))

This indicates whether the charge is a **misdemeanor** or **felony**
M = Misdemeanor
F = Felony

Date of Disposition: 11/9/2008

This is the date that your case was concluded.

Disposition: Dismissed

This is the outcome of your case:

IF the case was terminated in your favor, the Disposition would read: Dismissed, Dismissed with Prejudice, Dismissed with out Prejudice, Not Guilty, No Violation, Nolle Prosequi, Juvenile Found Not Guilty or Juvenile Found Not Delinquent

IF the case was NOT terminated in your favor, the Disposition would read: Juvenile found delinquent, Guilty, Nolo Contendere or Found in Violation

The Family Court of the State of Delaware

In and For ☐ New Castle ☐ Kent ☐ Sussex County

STATE CRIMINAL HISTORY REQUIREMENT FOR JUVENILE EXPUNGEMENT

Any individual seeking the expungement of a juvenile record must obtain and attach a copy of their Certified State Criminal History to their pleading. To obtain a copy of the Certified State Criminal History, you must report to one of the SBI locations listed below:

New Castle County

Delaware State Police – Troop 2
100 Lagrange Ave.
Newark, DE 19720
1-800-464-4357 OR (302) 739-2528
(APPOINTMENT REQUIRED)

Kent County

Blue Hen Mall and Corporate Center – Suite 1B
655 Bay Rd.
Dover, DE 19901
(302) 739-5871
(NO APPOINTMENT NECESSARY)

Sussex County

Thurman-Adams State Service Center
Room 202
546 S. Bedford St.
Georgetown, DE 19947
(302) 856-5340
(APPOINTMENT REQUIRED)

You will incur a cost to obtain your Certified State Criminal History. New Castle and Kent Counties will accept cash, money order, or credit (debit, MasterCard & Visa) as payment. Sussex County will only accept money order or credit.

**Cash will NOT be accepted at the Sussex County location.
Personal checks will not be accepted at any location.**

The Family Court of the State of Delaware

In and For ☐ New Castle ☐ Kent ☐ Sussex County

PETITION FOR EXPUNGEMENT OF JUVENILE RECORD (MANDATORY)

Petitioner
Street Address (including Apt)
P.O. Box Number
City/State/Zip Code
Attorney Name
Interpreter needed? <input type="checkbox"/> Yes <input type="checkbox"/> No Language

Crim. Case No.
CPI No.

1. I am _____ an adult born on _____
(hereinafter "Petitioner") seeking to expunge my juvenile arrest record.

OR

I am _____ the parent/guardian, guardian *ad litem* or attorney of the
minor child listed above who was born on _____ who is seeking to expunge said minor
child's (hereinafter "Petitioner") arrest record.

2. A certified copy of Petitioner's state criminal history from the Delaware State Bureau of Identification ("SBI") is attached hereto.
3. Petitioner asks the Court to expunge the following charges:

Charge	Disposition	Disposition Date	Criminal Case Number

4. Other than those charges listed above Petitioner has had no other adjudications of delinquency or adult convictions in any Court and has no pending delinquency or criminal charges.

Petitioner's Signature

Sworn to subscribed before me this _____ day of _____, _____

Clerk of Court/Notary Public

Date

The Family Court of the State of Delaware

In and For ☐ New Castle ☐ Kent ☐ Sussex County

ORDER GRANTING MANDATORY EXPUNGEMENT OF A JUVENILE RECORD

Petitioner
Street Address (Including Apt)
P.O. Box Number
City/State/Zip Code
Attorney Name
Interpreter Needed? <input type="checkbox"/> Yes <input type="checkbox"/> No
Language:

Crim. Case No.
CPI No.

ORDER

On this _____ day of _____, _____ it is hereby Ordered that:

- ☐ The Petition is **DENIED** on the basis that Petitioner's criminal charges do not qualify for mandatory expungement pursuant to 10 *Del. C.* §1017.
- ☐ Petitioner **may** qualify to file for a Discretionary Expungement, pursuant to 11 *Del. C.* §1018.

OR

- ☐ The Petition is **GRANTED** on the basis that
- ☒ No prohibition pursuant to 10 *Del. C.* §1015(b) exists AND the Petitioner's juvenile criminal history indicates any one (1) of the following:
- ☐ only misdemeanor and violation cases that were terminated in the favor of the Petitioner. (10 *Del. C.* §1017(a)(1))
- ☐ only felony, misdemeanor and violation cases that were terminated in favor of the Petitioner and at least one (1) year has passed since the last felony case was terminated in favor of the Petitioner. (10 *Del. C.* §1017(a)(2))
- ☐ no more than one (1) felony, misdemeanor or violation case which resulted in an adjudication of delinquency and at least three (3) years have passed since the date of adjudication, provided that the adjudication was not for a violent felony, felony sex offense or misdemeanor sex offense as those terms are defined in 10 *Del. C.* §1016. (10 *Del. C.* §1017(a)(3)).

OR

- ☐ The Delaware Supreme Court decision in *Arnold v. State* and 10 *Del. C.* §1013 apply.

IT IS FURTHER ORDERED, that all indicia of arrest, including police and court records and any electronic records relating to the arrest shall, within 60 days of this order, be removed from the files and placed in the control of the Supervisor of the State Bureau of Identification.

IT IS FURTHER ORDERED, that copies of this Court's order shall be delivered to the Petitioner or Petitioner's Attorney, the Division of Youth Rehabilitative Services and the State Bureau of Identification.

Pursuant to Delaware Code 10 *Del. C.* §1019(c), any offense for which records have been expunged does not have to be disclosed as an arrest by the Petitioner for any reason.

Judge

The Family Court of the State of Delaware

In and For ☐ New Castle ☐ Kent ☐ Sussex County

STATE CRIMINAL HISTORY REQUIREMENT FOR JUVENILE EXPUNGEMENT

Any individual seeking the expungement of a juvenile record must obtain and attach a copy of their Certified State Criminal History to their pleading. To obtain a copy of the Certified State Criminal History, you must report to one of the SBI locations listed below:

New Castle County

Delaware State Police – Troop 2
100 Lagrange Ave.
Newark, DE 19720
1-800-464-4357 OR (302) 739-2528
(APPOINTMENT REQUIRED)

Kent County

Blue Hen Mall and Corporate Center – Suite 1B
655 Bay Rd.
Dover, DE 19901
(302) 739-5871
(NO APPOINTMENT NECESSARY)

Sussex County

Thurman-Adams State Service Center
Room 202
546 S. Bedford St.
Georgetown, DE 19947
(302) 856-5340
(APPOINTMENT REQUIRED)

You will incur a cost to obtain your Certified State Criminal History. New Castle and Kent Counties will accept cash, money order, or credit (debit, MasterCard & Visa) as payment. Sussex County will only accept money order or credit.

Cash will NOT be accepted at the Sussex County location.

Personal checks will not be accepted at any location.

The Family Court of the State of Delaware

In and For ☐ New Castle ☐ Kent ☐ Sussex County

PETITION FOR EXPUNGEMENT OF JUVENILE RECORD (DISCRETIONARY)

Petitioner	Respondent: Attorney General <input type="checkbox"/> New Castle County 820 N. French Street Wilmington, DE 19801 <input type="checkbox"/> Kent County 102 W. Water Street Dover, DE 19904 <input type="checkbox"/> Sussex County 114 East Market Street Georgetown, DE 19947	Crim. Case No.
Street Address (including Apt)		
P.O. Box Number		CPI No.
City/State/Zip Code		
Attorney Name		
Interpreter needed? <input type="checkbox"/> Yes <input type="checkbox"/> No Language		

1. I am _____ an adult born on _____
(hereinafter "Petitioner") seeking to expunge my juvenile arrest record.

OR

I am _____ the parent/guardian, guardian *ad litem*, or attorney of the
minor child listed above who was born on _____ who is seeking to expunge said minor child's
(hereinafter "Petitioner") arrest record.

2. A certified copy of Petitioner's state criminal history from the Delaware State Bureau of Identification ("SBI") is attached hereto.
3. Petitioner asks the Court to expunge the following charges:

Charge	Disposition	Disposition Date	Criminal Case Number

4. Other than those charges listed above, Petitioner has had no other adjudications or adult convictions in any court and has no pending delinquency or criminal charges.
5. **AND**, the continued existence and possible dissemination of information relating to the arrest of Petitioner causes, or may cause, circumstances which constitute a manifest injustice to Petitioner because (**must allege specific facts**):

WHEREFORE, Petitioner prays that this court grant an order directing that all indicia of arrest, including police records, court records, and any electronic records relating to the arrest associated with the above-listed charges be expunged.

Sworn and subscribed before me this _____ day of _____, _____
Petitioner's Signature _____ Date _____

Clerk of Court/Notary Public

AFFIDAVIT OF MAILING

I, the Petitioner, affirm that a true and correct copy of this Petition was placed in the U.S. Mail on the _____ day of _____ and sent to the Attorney General at the address listed on the petition, first class postage pre-paid.

Petitioner

Sworn to subscribed before me this _____ day of _____ , _____

Clerk of Court/ Notary Public

In and For ☐ New Castle ☐ Kent ☐ Sussex County

NT OF JUVENIL

Crim. Case No.
CPI No.

[illegible]

The Family Court of the State of Delaware

INFORMATION SHEET - PLEASE PRINT

Date: _____ File No.: _____

Please fill in A to K pertaining to you the Applicant/Petitioner. (For additional petitioners use additional sheets)
PLEASE PRINT CLEARLY

A. Name: _____

B. Address: _____

City/State/Zip: _____

C. Phone – Home: _____ Work: _____ Cell: _____

D. Employer & Address: _____

Hours/Shift _____

E. Social Security No.: _____ F. Date of Birth: _____

G. Place of Birth (City & State): _____

H. Sex: _____ Race: _____ Height: _____ Weight: _____ Hair: _____ Eyes: _____

Marks/Scars/Tattoos: _____

I. Type of motor vehicle operated by you: _____

J. Driver's License No.: _____ State of Issue: _____ Expiration Date: _____

K. Your relationship to the Defendant/Respondent: _____

L. Attorney: _____

☐ I authorize Family Court to deliver court orders in my case(s) to my email address instead of to my mailing address. My email address is: _____.

*Please note that if you provide an email address, all orders in your pending civil cases in Family Court will be sent in an encrypted email via Egress to the email address provided and will not be mailed to your physical address.

For information on how to receive encrypted emails through Egress, please visit

<https://judicial.state.de.us/courtdox/Download.aspx?id=94888&court=readonly>.

Please fill out the information below in reference to the child(ren) who are involved.

Children

Name	Relationship	Sex	Race	D.O.B.	SSN	Birthplace City & State

Please fill in L to Y pertaining to the Defendant/Respondent. (For additional respondents use additional sheets)

M. Defendant/Respondent is a: (Check One) ☐ ADULT ☐ JUVENILE

N. Name: _____

O. Address: _____

City/State/Zip: _____

P. Phone – Home: _____ Work: _____ Cell: _____

Q. Employer & Address: _____

Hours/Shift _____

R. Social Security No.: _____ S. Date of Birth: _____

T. Place of Birth (City & State): _____

U. Relationship to Child: ☐ Not Applicable ☐ Mother ☐ Father ☐ Relative ☐ Non-Relative

☐ Other (Please Describe) _____

V. Sex: _____ Race: _____ Height: _____ Weight: _____ Hair: _____ Eyes: _____

Marks/Scars/Tattoos: _____

W. Driver's License State & No.: _____ X. Type of vehicle operated by Defendant/Respondent: _____

Y. Parent's Name (if a juvenile): _____

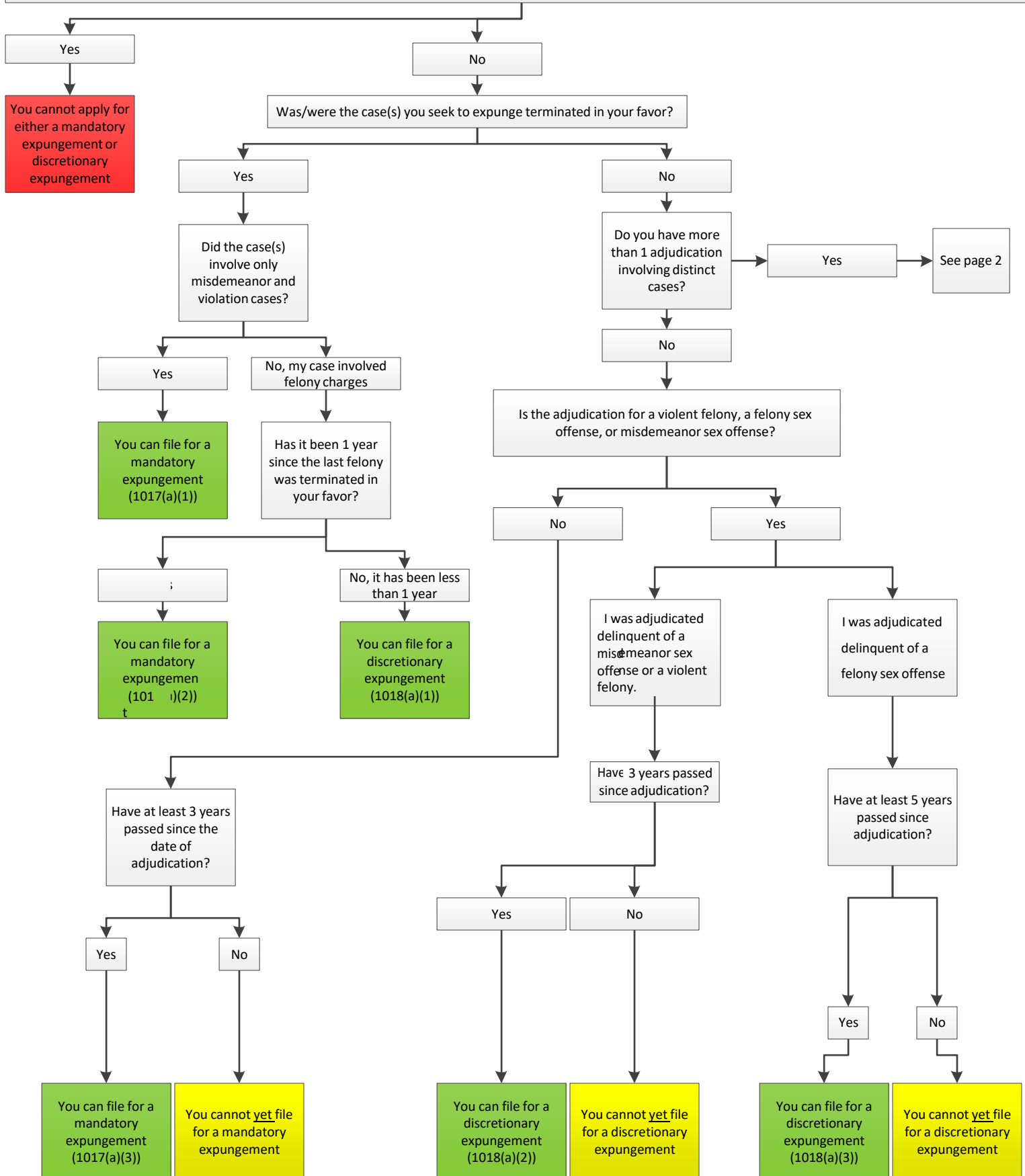
Z. Time when Respondent is usually home: _____

AA. Additional information about Respondent that may aid the process server in locating him/her to serve petition:

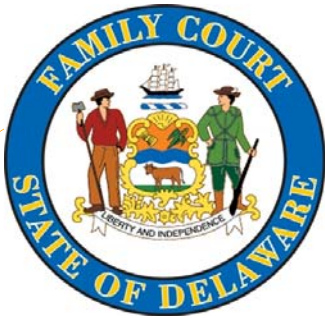
DIRECTIONS TO RESPONDENT'S RESIDENCE

Do **any** of the following statements apply to you?

1. I have pending criminal charges.
2. I have an adult conviction.
3. I was adjudicated delinquent of one of the following: first degree murder (§ 636 of Title 11), second degree murder (§ 635 of Title 11), first degree kidnapping (§ 783A of Title 11), manslaughter under either Section 632(2) or 632(5) of Title 11, rape first degree (§ 773 of Title 11), rape second degree (§ 772 of Title 11), arson first degree (§ 803 of Title 11), or an attempt to commit any of the aforementioned offenses.







Expungement of an Adult Record

A GUIDE TO EXPUNGEMENT OF ADULT RECORDS IN THE FAMILY COURT

<http://courts.delaware.gov/family>

FAMILY COURT OF THE STATE OF DELAWARE

Expungements are filed with the Court to remove cases from a criminal history.

A “case” includes anything from a particular incident.

If there were multiple charges within one case, an expungement could remove them all.

If you have several separate cases, you would need to file to expunge each of them independently.

Related Forms:

281, 240

Related Costs:

A filing fee **IS** required with each expungement filed with the Court.

What is an Expungement?

Expungement is the way in which an adult’s criminal record and all records of arrest related to that crime, including fingerprints and photographs, are destroyed or shielded from general view.

In Delaware, Section 1025 and Section 1026 of Title 10 of the Delaware Code govns the process of petitioning for expungement of an adult record.

I have been charged with a crime. Can I have my charge expunged?

Mandatory Expungement

If you were charged with the commission of a crime that is designated as a misdemeanor or violation of titles 4, 7, 11, 16 or 23 of the Delaware Code and the case was terminated in your favor and you have not previously been convicted of another criminal offense, you may contact the State Bureau of Identification to request that your record be expunged. If you meet the requirements described above, it is mandatory that your expungement be granted.

- Mandatory Expungement is not applicable to the records of a case in which the defendant was charged with any of the following:
 1. Any misdemeanor designated as a sex offense pursuant to 11 Del.C. 761
 2. Any misdemeanor set forth in subpart A or subchapter II of Chapter 5 of the Delaware Code
 3. Trespassing with Intent to Peer or Peep, pursuant to 11 Del.C. 820
 4. Endangering the Welfare of a Child, pursuant to 11 Del.C. 1102
 5. Endangering the Welfare of an Incompetent Person, pursuant to 11 Del.C. 1105
 6. Any misdemeanor set forth in subparts A, B, C or F of subchapter IV of Chapter 5 of 11 Del.C.
 7. Any misdemeanor or violation set forth in Chapter 85 of 11 Del.C.
 8. Patient Abuse, pursuant to 16 Del.C. 1136
 9. Operation of a Vessel or Boat While Under the Influence, pursuant to 23 Del.C. 2302

Discretionary Expungement

If your charge does not fall into one of the categories for mandatory expungement as described above, you may file a Petition for Expungement of Adult Record asking the Family Court to expunge your record if:

You were charged as an adult under the jurisdiction of the Family Court; AND

1-You were acquitted OR

2-A Nolle Prosequi (the Attorney General decided not to pursue the charge) was taken; OR

3-You were placed on probation before judgment, fulfilled the terms and conditions of probation, and the Court entered an order discharging you from probation OR

4- The charge was dismissed; AND

The Court finds that the continued giving out of the record of arrest causes you a manifest injustice.

Q: What is manifest injustice?

- **A:** Manifest injustice essentially means hardship. Manifest Injustice on the expungement petition refers to having a record, not the circumstances surrounding your arrest

Q: What do I have to explain to show manifest in justice?

- **A:** You must explain why having a recording is causing you difficulties in your life or holding you back in some way, including but not limited to:
 - ◆ Problems with finding a job
 - ◆ Gaining admission to college or other vo-tech programs

*** NOTE: When completing your petition, please do not use the space provided to discuss the facts of your arrest and/or the circumstances concerning the charges.***

I have previously been convicted of a criminal offense. Will this affect my Petition for Expungement?

If you have previously been convicted of a criminal offense (different from the offense that you are seeking to have expunged), that shall be considered by the Court as prima facie evidence that the continued giving out of your record does not cause you a manifest injustice. This means that the Court will deny your Petition for Expungement unless you can show significant evidence why it should be granted.

Will the Court hold a hearing regarding my Petition for Expungement?

Only if the Court believes it is necessary to hold a hearing. If the Court finds that the continued giving out of the record of arrest causes you a manifest injustice, it will enter an order requiring the expungement of the police and court records relating to the charge. Otherwise, it will deny the Petition. This is *usually* done without a hearing.

If I file a Petition for Expungement of an Adult Record, will the Court expunge my charges automatically?

Not necessarily. The attorney general's office may oppose your request and/or the Court may find that there are other reasons to not grant the expungement. It is in the Court's discretion to grant an expungement.

What will happen if my charge(s) is expunged?

If the Court enters an Order granting your Petition for Expungement of an Adult Record and orders various agencies to comply with its Expungement Order, then all evidence of your charge(s) and arrest record relating to that charge(s), including fingerprints and photographs, will be destroyed or shielded from view. This will occur within 60 days of the Court's order.

When a potential employer does a criminal background check, there will be no evidence on record with the Court or other State agencies relating to the expunged adjudication.

Where can I get a certified copy of my charges?

To file a Petition for Adult Expungement, you must attach a copy of your charges and the dispositions on those charges. You must obtain a certified copy of your charges from SBI (the State Bureau of Identification).

Where can I get a Petition for Expungement?

A Petition for Expungement of an Adult Record is available at Family Court or on the Family Court website <http://courts.delaware.gov/Courts/Family>.

The Family Court of the State of Delaware

In and For ☐ New Castle ☐ Kent ☐ Sussex County

BACKGROUND CHECK INFORMATION FOR ADULT EXPUNGEMENTS

Any individual seeking the expungement of an adult record must obtain and attach a copy of their Certified State Criminal History to their pleading. To obtain a copy of the Certified State Criminal History, you must report to one of the SBI locations listed below:

New Castle County

Delaware State Police – Troop 2
100 Lagrange Ave.
Newark, DE 19702
1-800-464-4357 OR (302) 739-2528
(APPOINTMENT REQUIRED)

Kent County

Blue Hen Mall and Corporate Center – Suite 1B
655 Bay Rd.
Dover, DE 19901
(302) 739-5871
(NO APPOINTMENT NECESSARY)

Sussex County

Thurman-Adams State Service Ctr.
Room 202
546 S. Bedford St.
Georgetown, DE 19947
(302) 856-5340
(APPOINTMENT REQUIRED)

You will incur a cost at SBI to obtain your Certified State Criminal History. New Castle and Kent Counties will accept cash, money order, or credit (debit, MasterCard & Visa) as payment. Sussex County will only accept money order or credit.

**Cash will NOT be accepted at the Sussex County location.
Personal checks will not be accepted at any location.**

The Family Court of the State of Delaware

In and For ☐ New Castle ☐ Kent ☐ Sussex County

PETITION FOR EXPUNGEMENT OF ADULT RECORD

Petitioner	DEPUTY ATTORNEY GENERAL <input type="checkbox"/> New Castle County 820 N. French Street Wilmington, DE 19801 <input type="checkbox"/> Kent County 102 W. Water Street Dover, DE 19904 <input type="checkbox"/> Sussex County 114 East Market Street Georgetown, DE 19947	Crim. Case No.
Street Address (including Apt)		CPI No.
P.O. Box Number		
City/State/Zip Code		
Attorney Name		
Interpreter needed? <input type="checkbox"/> Yes <input type="checkbox"/> No Language		

Pursuant to 10 *Del. C.* § 1025, _____ (Petitioner), hereby petitions for the expungement of his/her criminal record. The following are the charges brought against the Petitioner in Family Court (list any additional charges on Form 540):

Charge	Offense Date	Incident No.	Disposition Date	Disposition

The following information **MUST** be completed in its entirety for the Court to consider the petition

- ☐ The Petitioner has no prior criminal record.
- ☐ The continued existence and possible dissemination of information relating to the arrest of the Petitioner causes, or may cause, circumstances which constitute a manifest injustice to the Petitioner.

You **must explain** how the Petitioner is negatively affected by the continued existence of this record:

Pursuant to 10 *Del. C.* § 1025, the Petitioner requests that this Court enter an order directing:

- ☐ That all indicia of arrest contained in the police records and the Court records relating to the above mentioned charges be expunged and removed from the files and placed in the control of the supervisor of the State Bureau of Identification as provided for in 10 *Del. C.* § 1025 (e)(5).
- ☐ That certified copies of this Court's Order be sent to the Petitioner, the Delaware Department of Justice, the United States Department of Justice, the State Bureau of Identification, the Delaware State Police and the Arresting Agency.
- ☐ That the Department of Justice and the Family Court of the State of Delaware take appropriate steps to see that all records not destroyed pursuant to this order be handled in such a manner as to insure that they not be opened to public inspection or disclosure.
- ☐ That it shall not be necessary for the Petitioner to disclose his/her arrest on the above mentioned charges for any reason.

Petitioner's Signature

Sworn to and subscribed before me this _____ day of _____, _____

Clerk of Court/Notary Public

Date

AFFIDAVIT OF MAILING

I, the Movant, affirm that a true and correct copy of this Motion was placed in the U.S. Mail on the _____ day of _____ and sent to the other party or attorney at the address listed on the petition, first class postage pre-paid.

Movant

Sworn to subscribed before me this _____ day of _____, _____

Clerk of Court/ Notary Public

The Family Court of the State of Delaware

INFORMATION SHEET - PLEASE PRINT

Date: _____ File No.: _____

Please fill in A to K pertaining to you the Applicant/Petitioner. (For additional petitioners use additional sheets)
PLEASE PRINT CLEARLY

A. Name: _____

B. Address: _____

City/State/Zip: _____

C. Phone – Home: _____ Work: _____ Cell: _____

D. Employer & Address: _____

Hours/Shift _____

E. Social Security No.: _____ F. Date of Birth: _____

G. Place of Birth (City & State): _____

H. Sex: _____ Race: _____ Height: _____ Weight: _____ Hair: _____ Eyes: _____

Marks/Scars/Tattoos: _____

I. Type of motor vehicle operated by you: _____

J. Driver's License No.: _____ State of Issue: _____ Expiration Date: _____

K. Your relationship to the Defendant/Respondent: _____

L. Attorney: _____

☐ I authorize Family Court to deliver court orders in my case(s) to my email address instead of to my mailing address. My email address is: _____.

*Please note that if you provide an email address, all orders in your pending civil cases in Family Court will be sent in an encrypted email via Egress to the email address provided and will not be mailed to your physical address.

For information on how to receive encrypted emails through Egress, please visit

<https://judicial.state.de.us/courtdox/Download.aspx?id=94888&court=readonly>.

Please fill out the information below in reference to the child(ren) who are involved.

Children

Name	Relationship	Sex	Race	D.O.B.	SSN	Birthplace City & State

Please fill in L to Y pertaining to the Defendant/Respondent. (For additional respondents use additional sheets)

M. Defendant/Respondent is a: (Check One) ☐ ADULT ☐ JUVENILE

N. Name: _____

O. Address: _____

City/State/Zip: _____

P. Phone – Home: _____ Work: _____ Cell: _____

Q. Employer & Address: _____

Hours/Shift _____

R. Social Security No.: _____ S. Date of Birth: _____

T. Place of Birth (City & State): _____

U. Relationship to Child: ☐ Not Applicable ☐ Mother ☐ Father ☐ Relative ☐ Non-Relative

☐ Other (Please Describe) _____

V. Sex: _____ Race: _____ Height: _____ Weight: _____ Hair: _____ Eyes: _____

Marks/Scars/Tattoos: _____

W. Driver's License _____ X. Type of vehicle operated by
State & No.: _____ Defendant/Respondent: _____

Y. Parent's Name (if a juvenile): _____

Z. Time when Respondent is usually home: _____

AA. Additional information about Respondent that may aid the process server in locating him/her to serve petition:

DIRECTIONS TO RESPONDENT'S RESIDENCE

In the Superior Court of the State of Delaware

<hr/> <div>Petitioner</div> <div>v.</div> <div>State of Delaware</div> <div>Respondent</div>	Civil Action No.: <hr/> <div>(Leave Blank - Court Will Assign)</div> Petition for Expungement of Criminal Record
--	--

Pursuant to 11 *Del. C.* § 4374

 (Current Name) hereby petitions this Honorable Court for expungement of his/her criminal record. In support of this Petition, Petitioner declares that:

1. Full Name at Time of Arrest:

2. Current Address:

3. Date of Birth:

4. Telephone Number:

5. Date(s) of Arrest:

Petitioner was arrested by the:

- ☐ Delaware State Police Troop No.

- ☐ New Castle County Police
- ☐ Wilmington Police
- ☐ Newark Police
- ☐ University of Delaware Police
- ☐ Elsmere Police
- ☐ Other (Name of Arresting Agency)

6. List Each Charge Separately (if applicable continue to list any additional charges on the last page)

Case ID #	Charge	Disposition	Court of Record

7. The Petitioner has prior criminal record: ☐ YES ☐ NO

8. The continued existence and possible dissemination of information relating to the arrest of Petitioner causes, or may cause, circumstances which constitute a manifest injustice to Petitioner.

You **must explain** how the Petitioner is negatively affected by the continued existence of the record:

WHEREFORE, Petitioner prays that this Court enter an order directing:

- A. That all indicia of arrest contained in the police records and the Court records relating to the previously mentioned charges be expunged and removed from the files and placed in the control of the supervisor of the State Bureau of Identification as provided for in 11 *Del. C.* §4374 (f).
- B. That certified copies of this Court's Order be delivered to the Petitioner, the Delaware Department of Justice, and the State Bureau of Identification, pursuant to 11 *Del. C.* §4374 (f).
- C. That the Department of Justice and the Prothonotary of the Superior Court of the State of Delaware take appropriate steps to see that all records not destroyed pursuant to this Order be handled in such a manner as to insure that such records not be open to public inspection, or disclosure.
- D. That it shall not be necessary for the Petitioner to disclose his/her arrest on the above mentioned charges for any reason.
- E. The petitioner hereby declares that the above information is true and correct to the best of his/her ability.

Petitioner

Petitioner's Attorney, if represented

Sworn to and Subscribed before me this _____ day of _____, 20__

Notary Public (Signature)

In the Superior Court of the State of Delaware

_____ Petitioner	Civil Action No.: _____ (Leave Blank - Court Will Assign)
v.	Expungement Order
State of Delaware _____ Respondent	

AND NOW, TO WIT, it appearing that Petitioner:

1. Full Name at Time of Arrest: _____
2. Current Address: _____
3. Date of Birth: _____
4. SBI Number: _____
5. Date(s) of Arrest: _____

it appearing that the Petitioner now seeks to have all indicia of arrest on the below charge(s) expunged;

(List Each Charge Separately and (if applicable) continue to list any additional charges on the last page)

Case ID #	Charge	Disposition	Court of Record

and it appearing that the Attorney General has been served with the Petition herein, and that the Attorney General has no opposition thereto;

IT IS SO ORDERED

- A. That all indicia of arrest contained in the police records and the Court records relating to the abovementioned charge(s) be expunged and removed from the files and placed in the control of the supervisor of the State Bureau of Identification as provided for in 11 *Del. C.* 4374 (f).
- B. That certified copies of this Court's Order be delivered to the Petitioner or Petitioner's Attorney, the Delaware Department of Justice, and State Bureau of Identification, pursuant to 11 *Del. C.* §4374 (f).
- C. That the Department of Justice and the Prothonotary for the Superior Court of the State of Delaware take appropriate steps to see that all records not destroyed pursuant to this Order be handled in such a manner as to insure that they not be opened to public inspection or disclosure.
- D. That it shall not be necessary for the Petitioner to disclose his/her arrest on the above mentioned charges for any reason.

Date

Judicial Officer Signature

In the Superior Court of the State of Delaware

<hr/> <div>Petitioner</div> <div>v.</div> <div>State of Delaware</div> <div>Respondent</div>	Civil Action No.: <hr/> <div><i>(Leave Blank - Court Will Assign)</i></div> <div>Petition for Expungement of Criminal Record</div>
--	---

Pursuant to 11 *Del. C.* § 4374

 (Current Name) hereby petitions this Honorable Court for expungement of his/her criminal record. In support of this Petition, Petitioner declares that:

1. Full Name at Time of Arrest:

2. Current Address:

3. Date of Birth:

4. Telephone Number:

5. Date(s) of Arrest:

Petitioner was arrested by the:

- ☐ Delaware State Police Troop No.

- | | |
|---|--|
| <input type="checkbox"/> Town of Smyrna | <input type="checkbox"/> City of Dover |
| <input type="checkbox"/> Town of Clayton | <input type="checkbox"/> City of Milford |
| <input type="checkbox"/> Town of Felton | <input type="checkbox"/> City of Harrington |
| <input type="checkbox"/> Town of Camden | <input type="checkbox"/> Delaware State University |
| <input type="checkbox"/> Town of Wyoming | |
| <input type="checkbox"/> Town of Frederica | |
| <input type="checkbox"/> Other (Name of Arresting Agency) <hr/> | |

6 List Each Charge Separately (if applicable continue to list any additional charges on the last page)

Case ID #	Charge	Disposition	Court of Record

7. The Petitioner has prior criminal record: ☐ YES ☐ NO

8. The continued existence and possible dissemination of information relating to the arrest of Petitioner causes, or may cause, circumstances which constitute a manifest injustice to Petitioner.

You **must explain** how the Petitioner is negatively affected by the continued existence of the record:

WHEREFORE, Petitioner prays that this Court enter an order directing:

- A. That all indicia of arrest contained in the police records and the Court records relating to the previously mentioned charges be expunged and removed from the files and placed in the control of the supervisor of the State Bureau of Identification as provided for in 11 *Del. C.* §4374 (f).
- B. That certified copies of this Court's Order be delivered to the Petitioner, the Delaware Department of Justice, and the State Bureau of Identification, pursuant to 11 *Del. C.* §4374 (f).
- C. That the Department of Justice and the Prothonotary of the Superior Court of the State of Delaware take appropriate steps to see that all records not destroyed pursuant to this Order be handled in such a manner as to insure that such records not be open to public inspection, or disclosure.
- D. That it shall not be necessary for the Petitioner to disclose his/her arrest on the above mentioned charges for any reason.
- E. The petitioner hereby declares that the above information is true and correct to the best of his/her ability.

Petitioner

Petitioner's Attorney, if represented

Sworn to and Subscribed before me this _____ day of _____, 20__

Notary Public (Signature)

In the Superior Court of the State of Delaware

<hr/> Petitioner	Civil Action No.: <hr/> (Leave Blank - Court Will Assign)
v.	Expungement Order
State of Delaware	
Respondent	

AND NOW, TO WIT, it appearing that Petitioner:

1. Full Name at Time of Arrest:

2. Current Address:

3. Date of Birth:

4. SBI Number:

5. Date(s) of Arrest:

it appearing that the Petitioner now seeks to have all indicia of arrest on the below charge(s) expunged;

(List Each Charge Separately and (if applicable) continue to list any additional charges on the last page)

Case ID #	Charge	Disposition	Court of Record

and it appearing that the Attorney General has been served with the Petition herein, and that the Attorney General has no opposition thereto;

IT IS SO ORDERED

- A. That all indicia of arrest contained in the police records and the Court records relating to the abovementioned charge(s) be expunged and removed from the files and placed in the control of the supervisor of the State Bureau of Identification as provided for in 11 *Del. C.* 4374 (f).
- B. That certified copies of this Court's Order be delivered to the Petitioner or Petitioner's Attorney, the Delaware Department of Justice, and State Bureau of Identification, pursuant to 11 *Del. C.* §4374 (f).
- C. That the Department of Justice and the Prothonotary for the Superior Court of the State of Delaware take appropriate steps to see that all records not destroyed pursuant to this Order be handled in such a manner as to insure that they not be opened to public inspection or disclosure.
- D. That it shall not be necessary for the Petitioner to disclose his/her arrest on the above mentioned charges for any reason.

Date

Judicial Officer Signature

In the Superior Court of the State of Delaware

<div style="text-align: center; margin-bottom: 20px;"><div style="border-bottom: 1px solid black; width: 100%;"></div><div style="text-align: right;">Petitioner</div></div> <div style="text-align: center; margin-bottom: 20px;">v.</div> <div style="text-align: center;"><div style="border-bottom: 1px solid black; width: 100%;"></div><div style="text-align: right;">Respondent</div></div>	<div style="margin-bottom: 20px;">Civil Action No.: <div style="border-bottom: 1px solid black; width: 100%;"></div><div style="text-align: right; font-size: small;"><i>(Leave Blank - Court Will Assign)</i></div></div> <div style="text-align: center;">Petition for Expungement of Criminal Record</div>
---	--

Pursuant to 11 *Del. C.* § 4374 _____ hereby petitions this Honorable
(Current Name)
Court for expungement of his/her criminal record. In support of this Petition, Petitioner declares that:

1. Full Name at Time of Arrest: _____
2. Current Address: _____
3. Date of Birth: _____
4. Telephone Number: _____
5. Date(s) of Arrest: _____

Petitioner was arrested by the:

- | | |
|---|--|
| <input type="checkbox"/> Delaware State Police Troop No. _____ | |
| <input type="checkbox"/> Bethany Beach PD | <input type="checkbox"/> Greenwood PD |
| <input type="checkbox"/> Blades PD | <input type="checkbox"/> Laurel PD |
| <input type="checkbox"/> Bridgeville PD | <input type="checkbox"/> Lewes PD |
| <input type="checkbox"/> Dagsboro PD | <input type="checkbox"/> Milford PD |
| <input type="checkbox"/> Delmar PD | <input type="checkbox"/> Millsboro PD |
| <input type="checkbox"/> Dewey Beach PD | <input type="checkbox"/> Millville PD |
| <input type="checkbox"/> Ellendale PD | <input type="checkbox"/> Ocean View PD |
| <input type="checkbox"/> Fenwick Island PD | <input type="checkbox"/> Rehoboth Beach PD |
| <input type="checkbox"/> Frankford PD | <input type="checkbox"/> Seaford PD |
| <input type="checkbox"/> Georgetown PD | <input type="checkbox"/> Selbyville PD |
| <input type="checkbox"/> Other (Name of Arresting Agency) _____ | |

* PD – Police Department

6. List Each Charge Separately (if applicable continue to list any additional charges on the last page)

Case ID #	Charge	Disposition	Court of Record

7. The Petitioner has prior criminal record: ☐ YES ☐ NO

8. The continued existence and possible dissemination of information relating to the arrest of Petitioner causes, or may cause, circumstances which constitute a manifest injustice to Petitioner.

You **must explain** how the Petitioner is negatively affected by the continued existence of the record:

WHEREFORE, Petitioner prays that this Court enter an order directing:

- A. That all indicia of arrest contained in the police records and the Court records relating to the previously mentioned charges be expunged and removed from the files and placed in the control of the supervisor of the State Bureau of Identification as provided for in 11 *Del. C.* §4374 (f).
- B. That certified copies of this Court's Order be delivered to the Petitioner, the Delaware Department of Justice, and the State Bureau of Identification, pursuant to 11 *Del. C.* §4374 (f).
- C. That the Department of Justice and the Prothonotary of the Superior Court of the State of Delaware take appropriate steps to see that all records not destroyed pursuant to this Order be handled in such a manner as to insure that such records not be open to public inspection, or disclosure.
- D. That it shall not be necessary for the Petitioner to disclose his/her arrest on the above mentioned charges for any reason.
- E. The petitioner hereby declares that the above information is true and correct to the best of his/her ability.

Petitioner

Petitioner's Attorney, if represented

Sworn to and Subscribed before me this _____ day of _____, 20__

Notary Public (Signature)

In the Superior Court of the State of Delaware

_____ Petitioner	Civil Action No.: _____ (Leave Blank - Court Will Assign)
v.	Expungement Order
State of Delaware _____ Respondent	

AND NOW, TO WIT, it appearing that Petitioner:

1. Full Name at Time of Arrest: _____
2. Current Address: _____
3. Date of Birth: _____
4. SBI Number: _____
5. Date(s) of Arrest: _____

it appearing that the Petitioner now seeks to have all indicia of arrest on the below charge(s) expunged;

(List Each Charge Separately and (if applicable) continue to list any additional charges on the last page)

Case ID #	Charge	Disposition	Court of Record

and it appearing that the Attorney General has been served with the Petition herein, and that the Attorney General has no opposition thereto;

IT IS SO ORDERED

- A. That all indicia of arrest contained in the police records and the Court records relating to the abovementioned charge(s) be expunged and removed from the files and placed in the control of the supervisor of the State Bureau of Identification as provided for in 11 *Del. C.* 4374 (f).
- B. That certified copies of this Court's Order be delivered to the Petitioner or Petitioner's Attorney, the Delaware Department of Justice, and State Bureau of Identification, pursuant to 11 *Del. C.* §4374 (f).
- C. That the Department of Justice and the Prothonotary for the Superior Court of the State of Delaware take appropriate steps to see that all records not destroyed pursuant to this Order be handled in such a manner as to insure that they not be opened to public inspection or disclosure.
- D. That it shall not be necessary for the Petitioner to disclose his/her arrest on the above mentioned charges for any reason.

Date

Judicial Officer Signature

State of Delaware
BOARD OF PARDONS
DELAWARE BOARD OF PARDONS INSTRUCTIONS

The Board of Pardons Application is a fillable PDF. This means you can type directly into the application on your computer or device.

To successfully complete the Board of Pardons Application, please follow the steps below.

1. Ensure you have Adobe Acrobat Reader prior to trying to save the form and submit online.

If you do not have Adobe Acrobat Reader, please find a free download for the software for the following devices: [Desktop Computers](#) | [iPhone/iPad](#) | [Android](#) | [Windows Phone](#).

This is the only platform that supports the online submission of the application. If you are using a Mac/Apple computer or device, **do not fill out the application using Preview**.

Please use Adobe Acrobat Reader.

2. Download the Board of Pardons [Application](#) (make this a link)
3. Save the application to your computer or device
4. Open the now-saved PDF in Adobe Acrobat Reader
5. Complete the application
6. Save the completed application to your computer or device

The application does not automatically save your information for your reference, even after you have downloaded it. In order to fill in the application and make necessary changes as you go along or after you submit it, you **MUST** save the application to your computer or device prior to inputting any information into it.

State of Delaware
BOARD OF PARDONS
DELAWARE BOARD OF PARDONS CHECKLIST

YOU MUST COMPLETE STEPS 1 AND 2 BEFORE PROCEEDING WITH THE APPLICATION PROCESS. THESE TWO STEPS WILL TAKE SEVERAL WEEKS! ALL APPLICATIONS MUST BE FILLED IN ONLINE AND THEN PRINTED FOR SUBMISSION.

Step 1

Request your **Delaware Certified Criminal History with the FBI Criminal History Check** which can be obtained by submitting a **fee** along with your **fingerprints** to **State Bureau of Identification**. For specific information and locations please contact them at (302) 739-5871. **Please be advised that your Criminal History Report cannot be older than 3 months at the time your application is submitted.** These documents must be attached to your application.

Step 2

Request **Certified Court Dockets and Sentencing Orders and/or Disposition Records** for all **ADULT** dispositions listed as ***guilty, unknown, unobtainable, transferred or pending***. **Additionally, you must submit certified copies of financial information on outstanding fines, costs, fees and restitution.** Contact the courts in the county associated with the offense(s) for further information on how to request the documents. **These documents must be attached to your application.**

Step 3

Once you have received your **Certified Criminal History** and your **Certified Court Dockets and Sentencing Orders**, complete the page titled **"Criminal History Review Form"**.

Step 4

Compare your offense(s) from your **"Criminal History Review Form"** to the offense(s) listed on the **"Offenses that Require a Mental Health Report."** If jail time was served in relation to an offense(s) that require a mental health report, you will have to provide a **Psychiatric or Psychological Evaluation** from a licensed professional of your choice. Any psychologist or psychiatrist performing an evaluation must submit the information requested in **Rule 9, paragraph (c) listed on page 12 of the Rules of the Board of Pardons.** **Please be advised that the Mental Health Report cannot be older than 12 months at the time your application is submitted.**

Step 5

Complete the entire **Delaware Board of Pardons Application for Pardon** by typing in your responses online and then printing all forms once complete.

Step 6

Complete the **Affidavit of Mailing** by typing in your responses online and then printing once complete. This form must be notarized. Include the original Affidavit in your application and mail copies to the individuals listed on the form.

Step 7

To request a Telephonic hearing due to hardship, please complete and submit the **Hardship Form** with the application. Please be aware that this request is subject to approval.

Step 8

Assemble all your documents to include the criminal history report and the court dockets and attach them to the appropriate sections as specified in the application. Once assembled, make one copy of **EVERYTHING** (so you will have a total of 2 complete packets). Use a paper clip or binder clip to attach your documents together for each packet. **Stapled documents will not be accepted.**

Step 9

Keep one copy of your application packet for your records and mail the original packet to:

Board of Pardons
Secretary of State's Office
401 Federal Street, Suite 3
Dover, DE 19901

If you have any questions, contact the Board of Pardons at 302-739-4111, option 2. You can also visit us online at pardons.delaware.gov.

CRIMINAL HISTORY REVIEW FORM

List all ADULT guilty offenses, pending offenses, disposition unknown, disposition unobtainable, or matters transferred to another court. Obtain this information from your certified criminal history and your certified court dockets and sentencing orders. Do not list any dismissed, nolle prosequi, or juvenile charges.

Offenses

Arrest Date[illegible]

Make sure that all of the offenses required to be addressed in this application are listed. Failure to list all required charges will result in your application being returned. This list will serve as a guide as you complete the DELAWARE BOARD OF PARDONS APPLICATION

BIOGRAPHICAL INFORMATION

What is your highest level of education?

Any known learning disabilities? ☐ Yes ☐ No. If yes, briefly describe.

Any history of mental health issues? ☐ Yes ☐ No. If yes, briefly describe treatment.

Any history of substance/alcohol abuse? ☐ Yes ☐ No. If yes, briefly describe drug/substance of choice and when addiction began.

What is your current marital status?

(Check one:) ☐ Single ☐ Married or Entered into a Civil Union ☐ Divorced ☐ Widowed

Do you have children or other dependents? ☐ Yes ☐ No

If yes, describe them. (Example: name, age and living arrangement)

Current Employment Status, if not employed state the reasons?

Are you currently enrolled in school/vocational training, if yes, provide the name and location and your area of study?

SUMMARY OF OFFENSE(S)

Fill out a separate copy of this page for each conviction that is listed on the Criminal History Review Form.
Provide requested information for offense(s) which can be found on the court docket and sentencing order.

Arrest Date: _____

Offense(s): If more than one offense was associated with the same arrest, list them.

Sentence Date: _____ **Sentence** _____

How much time, if any, did you serve in a correctional facility for this offense? _____

Probation: ☐ Yes ☐ No **If yes, provide date completed** _____

Restitution: ☐ Yes ☐ No **If yes, amount and if obligation is resolved (paid)** _____

(If obligation is not resolved, please contact the court and request a civil judgment and attach it to this page)

Name of Court: _____

Court Address: _____
Number Street City State Zip Code

Narrative Description of the Offense(s): Provide a complete and detailed account of the offense(s) you listed above. You are expected to describe in your own words the factual details surrounding the offense(s). Describe the full extent of your involvement in the criminal conduct.

Attach the Certified Court Docket(s) and Sentencing Order(s) associated with the offense(s)

REASONS FOR SEEKING A PARDON

What are your reasons for seeking a pardon? Attach any supporting documents as evidence to support reasons due to extenuating circumstances. (Example: Denial letter due to failed background check or written regulations regarding criminal convictions preventing you from services)

Pending Proceedings: Do you have pending any judicial or administrative proceedings with the federal, state, or local governments? ☐ **Yes** ☐ **No.** If yes, state the full jurisdiction in which the proceeding is pending, the nature of the dispute, and the current status of the matter.

Describe below any community/charitable activities you are involved in and your duties.
(You may attach any certificates or documents)

References may be attached to this page

Attach supporting documents as evidence to support reasons due to extenuating circumstances.

AFFIDAVIT OF MAILING



STATE OF DELAWARE
DELAWARE BOARD OF PARDONS

Applicant Name _____ **Date of Birth** _____

The above applicant has filed a petition for a pardon with the Board of Pardons ("Board") in the Secretary of State's Office, 401 Federal Street, Suite 3, Dover, DE 19901. The petition will be heard at the earliest possible date as determined by the Board. Hearings are held at the Kent County Courthouse, Courtroom 8, 414 Federal Street, Dover, DE 19901.

Copies of this affidavit of mailing have been sent to:

1. The Judge(s) who presided at the sentencing hearing(s) or Presiding Judge(s)
2. Matthew P. Denn, Attorney General, Department of Justice, Carvel State Building, 820 N. French St., Wilmington, DE 19801.
3. Chief of Police in the city/county where the arrest(s) was/were made. Omit this step if you were only arrested by Delaware State Police.
4. Colonel Nathaniel McQueen, Superintendent, Department of Public Safety, Division of State Police, P.O. Box 430, Dover, DE 19903.

Reason(s) for applying:

Offense(s) and Date(s) of Arrest:

Signature of Applicant

Date

STATE OF _____)
) SS
COUNTY OF _____)

This applicant, being sworn, deposes and says that he/she is attesting that all statements contained in his/her application are true and correct in every respect, and that he/she has not suppressed any information that might affect this application.

Sworn to me before me this _____ day of _____, 20 _____.

Signature of Notary Public

My commission expires _____. (SEAL)

IMPORTANT: Make sure you have completed every item on the checklist and that your application is signed and complete. Any missing information will significantly delay processing.

REQUEST FOR A TELEPHONIC HEARING DUE TO HARDSHIP

Due to the circumstance(s) described below, the applicant is requesting that a telephonic hearing be allowed in place of a “personal appearance”.

Applicant Name _____ Date of Birth _____

Reason(s) petitioner has found that it would be a hardship to physically attend the hearing:

If an approval of hardship is made, the “Board” may require that you be available by phone at your scheduled time. Please provide a reliable telephone number that could be used to contact you for a possible telephonic hearing (_____) - _____.

Signature of Applicant

Date

Approved

Date