

NOTE: A SEPARATE PETITION MUST BE FILED FOR EACH CRIMINAL CASE AND THE CHARGE(S) MUST BE LISTED IN THIS MOTION FOR THE CHARGE(S) TO BE EXPUNGED. ADDITIONALLY, A COPY OF YOUR CURRENT EXPUNGEMENT CERTIFICATION MUST BE ATTACHED TO THIS PETITION.

AOC-497.2 Doc. Code: PEXA
 Rev. 4-17
 Page 1 of 2
 Commonwealth of Kentucky
 Court of Justice www.courts.ky.gov
 KRS 431.076; 431.079



PETITION FOR EXPUNGEMENT
 (FOR ACQUITTAL, DISMISSAL WITH PREJUDICE,
 OR FAILURE TO INDICT)

Case No. _____
 Court _____
 County _____
 Division _____

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS.

_____ NAME

DEFENDANT

_____ ADDRESS

() _____ PHONE NUMBER

Defendant's Birthdate: _____ Defendant's SSN: _____ Violation/Arrest Date: _____

Jail ID Number _____ (optional)

Comes now the Defendant herein and petitions the Court, pursuant to KRS 431.076, to expunge the following charges which were either acquitted, dismissed with prejudice, or did not result in indictment in the above-referenced case:

CHARGE: _____ CHARGE: _____
 CHARGE: _____ CHARGE: _____
 CHARGE: _____ CHARGE: _____

In support of this Petition, the Defendant states as follows: *(Check all that apply)*

- At least sixty (60) days prior to filing this petition, the Defendant was acquitted of the above-listed charge(s); or
 At least sixty (60) days prior to filing this petition, the above-referenced charge(s) was/were dismissed with prejudice and said dismissal was NOT in exchange for a guilty plea to another offense;
 The above listed felony charges originally filed in district court have not resulted in an indictment by the grand jury and twelve (12) months have elapsed since the date of the District Court decision to hold the matter to the grand jury.

AND

- There are no current charges or proceedings pending in the above-styled case.

The Defendant prays that this Petition for Expungement for Acquittal, Dismissal with Prejudice, or Failure to Indict be granted and that this Court enter an Order that the following agencies expunge any records in the agencies' custody regarding these charges:

LIST AGENCIES AND ADDRESSES HERE:

Note: Defendant/Movant must sign this petition **in the presence of** a notary **or** the circuit court clerk so that the clerk can witness his/her signature.

Date: _____, _____.

Defendant/Petitioner Signature

Subscribed and sworn to before me by _____

this _____ day of _____, _____.

Notary/Clerk

My commission expires: _____, _____ By: _____ D.C.

ORDER

Having considered this Petition for Expungement:

- the court hereby orders the circuit court clerk to set a date for an expungement hearing.
- no hearing is required.

Judge

NOTIFICATION OF EXPUNGEMENT HEARING

This case is set for a hearing on _____, _____ at the hour of _____

a.m. p.m. at the _____ District Circuit Court. Dated this _____ day of _____, _____. The County or Commonwealth's Attorney, as appropriate, may respond to this Petition. If the criminal charge(s) relates to the abuse or neglect of a child, the Office of General Counsel of the Cabinet for Health and Family Services (CHFS) shall respond within twenty (20) days of receipt of this notification if the CHFS has custody of records that reflect that Defendant/Petitioner has been determined by the CHFS or by a court under KRS Chapter 620 to be a substantiated perpetrator of child abuse or neglect.

Clerk

By: _____ D.C.

For Clerk Use Only

This Petition for Expungement was sent on the _____ day of _____, _____ to Defendant/Petitioner or his/her Attorney; the County or Commonwealth's Attorney, as appropriate; and, if the criminal charge(s) relates to the abuse or neglect of a child, to the CHFS.

Clerk

By: _____ D.C.