INSTRUCTION SHEET
PETITION FOR DESTRUCTION OF INDICIA OF ARREST
EXPUNGEMENT OF RECORDS
UNDER TITLE 11 DEL. C. §4371 – §4374

SUSSEX COUNTY

PLEASE REVIEW STATUTE TO BE SURE YOUR CASE QUALIFIES FOR EXPUNGEMENT

- The petition and all supporting documents must be filed in the County where the case was terminated, disposed of or concluded.

  New Castle County: (302)255-0825 Kent County: (302)739-3184 Sussex County: (302)856-5742

- If petitioner was a minor (under 18 years of age) at the time of the arrest, the petition must be obtained and filed in Family Court in the proper county. If petitioner is an adult arrested under the jurisdiction of Family Court, petition must be filed in county where case was terminated, disposed of or concluded.

- Should your name have changed from the time of arrest, please list that name and your current name.

- At the time of filing, the certified criminal history report and letter (which you have obtained from the State Bureau of Identification ("SBI"), must be attached. The criminal history report cannot be over forty-five (45) days old. If the criminal history report is older than forty-five (45) days, the petition will be rejected.

  *Information on obtaining a certified copy of your criminal history, is included in this packet

I. FILING INSTRUCTIONS:

A. No petition will be accepted for filing unless all forms are completed, signed, notarized and stapled in proper order. The "set" of forms include:

(1) the Petition
(2) order
(3) verification
(4) certified copy of criminal history report
(5) letter from SBI

B. After completing the set and before making copies:

(1) have the verification form notarized;
(2) make two (2) copies of the entire set.

C. When all documents are completed and ready for filing you may file either by bringing documents to the Prothonotary's Office or by mail.

(1) Filing in the Prothonotary's Office:

Bring the original set and (2) two copies of the set to the Prothonotary's Office for filing. The filing fee is $75.00 and is non-refundable. Please make check payable to State of Delaware.

(2) Filing by Mail:

- Send the original set and (1) copy of the set to the Prothonotary's Office along with the filing fee of $75.00 which is non-refundable. Please make checks payable to the State of Delaware.

Prothonotary's Office
Sussex County Courthouse
1 The Circle, Suite 2
Georgetown, DE 19947

II. COURT PROCEDURES:

A. The Prothonotary's Office will docket and maintain the Petition until the Attorney General sends a response to the Court indicating its position.

- If the Attorney General does not oppose the petition, the Prothonotary's Office will send the petition to the assigned Judge, who will grant or deny the petition.

- If the Attorney General opposes the petition, the petitioner will have 20 days to to file a response. After 20 days the Prothonotary's Office will send the petition (and response, if filed) to the Judge for decision. If the Court deems necessary, a hearing will be scheduled.

B. If the petition is granted, the Prothonotary's Office will send, by regular mail, certified copies of the signed Order to the petitioner or petitioner's attorney, the Department of Justice, the State Bureau of Identification, and all Courts associated with the arrest.

C. The process takes approximately eight (8) to twelve (12) weeks.

D. If you have any questions regarding the procedure, please call the Civil Unit of the Sussex County Prothonotary's Office at: (302) 856-5742