

# **Step 4:**

**Fill out your Service Instructions  
Form**

## **Important Background Information on What Service is and Why It's Required:**

### **What is 'Service of Process' in an Expungement Case?**

Service of process in a case for expungement is how you, the Petitioner, give the required notice to the Defendants of your case for an expungement. Service of process essentially forces the Defendants in your case to respond if they have an objection to your record being expunged..

### **What is a Defendant/Respondent in an Expungement Case?**

A Defendant is a defendant to a lawsuit. A Petition for Expungement is a lawsuit that's directed at the entities holding and reporting copies of your criminal record. It seeks to force those entities to close your record and stop reporting it.

### **Who are the Defendants in My Case for Expungement?**

The state agencies that hold official copies of your criminal record. These agencies typically include:

1. The Missouri State Highway Patrol Records Repository
2. Missouri Department of Corrections
3. Missouri Department of Revenue
4. Arresting or Citing Law Enforcement Agency
5. Prosecuting Agency
6. Convicting Court

This How To Guide will further explain how to properly identify your Defendants in the next section.

### **Why do I need to serve State Agencies to get my record expunged?**

*In order to get a meaningful expungement, each state agency holding an official copy of your record must be ordered by a court to expunge the copy of your record they hold.* That means those state agencies will *only* expunge your record if they are named as a Defendant in your case for expungement. Therefore, you must serve *each* agency holding a copy of your record.

### **What Do I Need to Serve the Defendants With?**

1. A copy of your file-stamped expungement petition
  - Once you file your petition, the clerk will stamp it.
2. Summons

### **What are Summons?**

Summons = court order to the Defendants to respond to your case for expungement within 30 days or judgment may be entered against them, meaning they may be ordered to expunge the record they are holding.

### **How Do Defendants Typically "Respond" to Summons?**

A Defendant will formally object only if they have good reason to believe that you are not in fact eligible for expungement. A judge will give great weight to such an objection, so it's important to verify that you are in fact eligible before filing a case for expungement.

If you are eligible and you file a case for expungement, often the Defendants will respond and "waive" their appearance in the case. This means the agency is not objecting to the expungement. If after 30 days a Defendant does not respond, that also means they are not objecting.

### Step 4.1: Identify Your Defendants

As explained above, you need to identify all the state agencies that hold official copies of your record. You already did this when filling out your petition but you need to do it again on your Service Instructions Form. Additionally, you need to provide each Defendant's Address.

Like with your petition, identify each Defendant by checking the box next to their name and filling in any further required information, such as the Agency's Name and the Agency's Address.

For someone who is filing in Jackson County, who had one Distribution of Drugs conviction and one Speeding conviction, both from Kansas City, both arrested by KCPD, they would input the following information into their Service Instructions Form.

### Service Instructions In re Petition to Expunge Criminal Records

Dear Clerk,

I, \_\_\_\_\_, am filing a prose petition for expungement pursuant to § 610.140 RSMo. Below I have identified the following agencies as Respondents in my case for expungement. On the second page of these instructions, I have indicated how I have elected for service to be made.

- |  |   |
|--|---|
| <input type="checkbox"/> <b>Missouri State Highway Patrol</b> (required)<br>CJS Division – Records Repository<br>1510 East Elm Street<br>Jefferson City, MO 65101  | <input type="checkbox"/> <b>Missouri Department of Corrections</b><br>2729 Plaza Drive<br>Jefferson City, MO 65101  |
| <input type="checkbox"/> <b>Missouri Department of Revenue</b><br>301 West High Street<br>Room 670<br>Jefferson City, MO 65101   | <input type="checkbox"/> <b>Arresting/Citing Law Enforcement Agency</b> (required)<br>_____<br><small>Agency Name</small><br>_____<br><small>Address Line 1</small><br>_____<br><small>Address Line 2</small><br>_____<br><small>City</small> <span style="margin-left: 100px;"><small>State</small></span> <span style="margin-left: 50px;"><small>Zip Code</small></span> |
| <input type="checkbox"/> <b>Prosecuting Agency</b> (required)<br>_____<br><small>Agency Name</small><br>_____<br><small>Address Line 1</small><br>_____<br><small>Address Line 2</small><br>_____<br><small>City</small> <span style="margin-left: 100px;"><small>State</small></span> <span style="margin-left: 50px;"><small>Zip Code</small></span> | <input type="checkbox"/> <b>Convicting Court</b> (required)<br>_____<br><small>Agency Name</small><br>_____<br><small>Address Line 1</small><br>_____<br><small>Address Line 2</small><br>_____<br><small>City</small> <span style="margin-left: 100px;"><small>State</small></span> <span style="margin-left: 50px;"><small>Zip Code</small></span>                        |
| <input type="checkbox"/> <b>Additional Agency</b> (optional)<br>_____<br><small>Agency Name</small><br>_____<br><small>Address Line 1</small><br>_____<br><small>Address Line 2</small><br>_____<br><small>City</small> <span style="margin-left: 100px;"><small>State</small></span> <span style="margin-left: 50px;"><small>Zip Code</small></span>  | <input type="checkbox"/> <b>Additional Agency</b> (optional)<br>_____<br><small>Agency Name</small><br>_____<br><small>Address Line 1</small><br>_____<br><small>Address Line 2</small><br>_____<br><small>City</small> <span style="margin-left: 100px;"><small>State</small></span> <span style="margin-left: 50px;"><small>Zip Code</small></span>                       |

The Defendants in cases for expungement are typically as follows:

1. Missouri State Highway Patrol Records Repository
2. Missouri Department of Corrections
3. Missouri Department of Revenue
4. The Arresting/Citing Agency - a.k.a. The law enforcement agency that arrested or cited you.
  - **Note:** If KCPD is your arresting agency, it is important to direct service to “KC Board of Police Commissioners” as a Defendant in your case.
5. The Prosecuting Agency - a.k.a. the Prosecutor’s Office that Prosecuted You.
6. The Convicting Agency - a.k.a. the Court you were convicted in.

For a complete list of Missouri Arresting Agencies and their Service Addresses, visit the following link and click on the letter that your Agency’s name starts with:

<https://ago.mo.gov/other-resources/police-and-sheriffs-contacts>

#### **Step 4.2: Select a Delivery Method for Service of Process**

As explained above, you must serve a copy of your petition and summons on each of the Defendants in your case for expungement. Your options for delivering the service of process include the following:

1. **By Certified Mail – Sent by Court - Fee Paid**
2. **By Certified Mail – Sent by Court - Fee Waived.**
3. **By First-Class Mail – Sent by You, the Petitioner.**
4. **By Certified Mail – Sent by You, the Petitioner.**

For more details on what each type of service requires, see Step 7.

I elect for service to be completed on all identified Respondents in the manner indicated below:

**By Certified Mail – Sent by Court - Fee Paid**

- I agree to pay \$10.00 for each respondent I checked off. I checked off \_\_\_\_\_ (#) Respondents and therefore I agree to pay a total of \$\_\_\_\_\_ (\$10 x #) for service of process by certified mail.
- Please prepare copies of the petition and summons and send to each of the identified respondents by certified mail.

**By Certified Mail – Sent by Court - Fee Waived.**

- I have requested a waiver of fees under § 514.040.1 RSMo., as I am unable to prosecute this suit and pay all or any portion of the costs and expenses thereof, including the cost of service of process.
- Please prepare copies of the petition and summons and send to each of the identified respondents by certified mail, costs to be paid by the court.

**By First-Class Mail – Sent by Me, the Petitioner.**

- Please prepare a copy of the petition and summons for each of the identified Respondents above and notify me when I can pick up the documents. I will then personally mail a copy of the petition and summons to each of the identified Respondents. I agree to promptly file the return receipts with the Court.

**By Certified Mail – Sent by Me, the Petitioner.**

- Please prepare a copy of the petition and summons for service by certified mail for each of the identified Respondents above and notify me when I can pick up the documents. I will then personally mail a copy of the petition and summons to each of the identified Respondents. I agree to promptly file the return receipts with the Court..

Your decision will depend on how much you are able or willing to pay.

Service by Certified Mail costs \$10 per Defendant in Jackson County, and likely costly similar amounts in other counties. Service by Certified Mail is arguably a more reliable way to serve a Defendant because it requires that a Defendant *sign* for the service and because a return receipt is sent back to you verifying they received the service. Because an expungement is only effective against Defendants properly served, opting to do service by Certified Mail allows you to verify that your Defendants did in fact receive service, which can bring a great deal of peace of mind.

If you submit a Request to Proceed as a Poor Person, and it's granted, the cost of service by certified mail will be covered by the court.

Sending service by first-class mail is cheaper, but it doesn't require the Defendants to sign when they receive service. Therefore, service by first class mail runs a greater risk of a Defendant not being properly served. If a Defendant is not properly served, any order of expungement entered will not be effective against them because they weren't given a chance to respond.

#### **Step 4.3: Provide your contact information**

If the court has any questions about your service instructions, it's important that they be able to reach you. Provide a phone number and/or email address that you can easily be reached at.

#### **Step 4.4: Signature**

Sign and print your name and write the date.