

Frequently Asked Questions

Q: How do I apply for ARD?

A: Go to your Preliminary Hearing at the Magisterial District Justice Office. Request an ARD application at the front desk. Fill out the entire application. If you have an attorney, fill out the application with your attorney. Defense counsel must PACFile the ARD Application. Pro Se defendants can file the ARD Application with the Clerk of Courts Office.

Q: Where do I get an ARD application?

A: At the Magisterial District Justice (MDJ) offices or the District Attorney's Office. Applications are also available on our website - <https://www.yorkda.com/accelerated-rehabilitative-disposition/>

Q: Where do I submit the application?

A: York County Clerk of Courts Office
45 North George Street, 1st Floor
York, Pa 17401

Q: Can I apply for ARD Online?

A: Yes, as of March 2020 ARD applications are available online. Defendants with counsel should contact their attorney and complete the application with their attorney. Defense counsel must PACFile the ARD Application.

Pro Se defendants can print the ARD application and file it with the Clerk of Courts Office- 45 N. George Street, York, Pa 17401. Or, you can complete the ARD application online and electronically submit it through our website: <https://www.yorkda.com/accelerated-rehabilitative-disposition/>

1. Note, when completing and submitting the online application you will not be permitted to enter the social security number field or the driver's license field as it is protected information. If necessary, applicants may be contacted by a member of the ARD Unit and asked to provide this information.
2. ARD applications submitted through our website must have all fields completed. If a field doesn't apply to you enter "N/A". If incomplete applications are submitted, and fields are omitted, the application will be rejected. You will be provided a confirmation if your application is successfully submitted online. You should keep this confirmation as proof of submission.

Q: Do I need to do anything after I submit the ARD application?

A: Yes. If you are a DUI offender, you must complete a CRN evaluation. Approved treatment providers are listed here: https://yorkcountypa.gov/images/pdf/adult_prob/DUI_Providers.pdf. Contact a facility that completes CRN evaluations within 3 weeks after your scheduled Preliminary Hearing. The MDJ office provides a CRN referral form. Non DUI offenders are not required to complete a CRN evaluation.

Q: Am I eligible for ARD?

A: There are many factors considered for ARD eligibility. We encourage all offenders to view the eligibility requirements on the District Attorney's website (YorkDA.com) before submitting an ARD application.

Q: If I have more than one York County criminal case do I have to apply on all cases?

A: Yes. If you have more than one pending case, you must apply on all pending cases. If you apply on one case and still have any other cases pending, you must submit an application for each case, or one application with all pending case numbers on it. If you apply on one case and fail to apply on other pending cases, it will result in rejection from ARD.

Q: What priors do I need to list on the ARD application?

A: The ARD application specifically states, 'Have you ever been charged with an offense other than a summary?'. This includes all misdemeanor and felony charges that either resulted in a dismissal, conviction or pretrial diversion. This includes in-state and out-of-state offenses, juvenile offenses, Rule 586, Rule 546, Maryland STET and PBJ and ARD. Even if you think a prior charge has been expunged, it MUST be listed on the ARD application. Often time's offenders are rejected from ARD because they misunderstand the question. If you are unsure if a charge needs to be listed on the ARD application, write it on the ARD application.

Q: Are there any automatic disqualifiers when applying for ARD?

A: Yes. An applicant can be automatically rejected from ARD for the following reasons: any statutory disqualifier (see Title 75 3807), failure to submit a timely ARD application within 30 days of arraignment, failure to submit a reconsideration request within 30 days of rejection, failure to complete a CRN and failure to report new charges. When you apply for ARD and any of the previous listed automatic disqualifiers apply, your file will not be fully reviewed and you will be rejected.

Q: Do I need an attorney to apply for ARD?

A: You are not required to have an attorney to apply for ARD. It is up to you as to whether you think you need an attorney. Procedural questions can be answered at 717-771-9600 ext. 3098. Note, our office does not provide legal advice.

Q: Do I need to show up at my scheduled arraignment date?

A: If you have an attorney, call them and ask if they've filed a waiver of arraignment. If you are representing yourself (Pro Se) or your attorney has not filed a waiver, you must attend your scheduled Formal Arraignment date. If you do not attend, a bench warrant will be issued for your arrest and you will be rejected from ARD.

Q: Will I be notified of acceptance or rejection of ARD?

A: Yes. Notice is mailed to you, for both acceptances and rejections. If you receive an acceptance letter and packet of ARD documents, read them in their entirety. If you receive a rejection letter, your case will be scheduled for a Pretrial Conference.

Q: If I get rejected can I reapply?

A: No. Once an ARD application is submitted, we will not take a second application. You may contact an attorney for advice or you can file for ARD reconsideration. To do so, submit a formal letter to the District Attorney's Office within 30 days from the date on your rejection letter. Late reconsideration requests will be denied.

Q: Do I need to show up at my Pretrial Conference if I submitted an ARD reconsideration request?

A: Yes. You must appear for all scheduled court dates, including Pretrial Conferences. Your Pretrial Conference may not be cancelled. If you do not appear a bench warrant will be issued for your arrest.

Q: Can I reschedule my ARD placement date?

A: Yes, but only for a documented medical emergency. Documentation of a medical emergency must be provided within 24 hours of the scheduled ARD placement date. Documentation should be submitted to the District Attorney's Office. All documentation provided is confirmed with your treatment facility. Failure to provide documentation within 24 hours will result in rejection from ARD.

If you have an attorney and your attorney has a conflict, a continuance to the next available ARD Court date will be granted. All requests for continuances go through the District Attorney's Office.

Q: Who is responsible for ARD supervision?

A: If you were placed on the ARD program prior to January 1, 2016 you are supervised by Adult Probation. If you were placed on the ARD Program between January 1, 2016-March 29, 2017 Vigilnet is the agency overseeing your ARD supervision. If you were placed on the ARD Program after March 29, 2017 you are supervised by the District Attorney's Office.

Q: When do I have to surrender my license?

A: Each offender who is required to surrender their driver's license will receive notice from PennDOT within 60 days from the date of the ARD Hearing with an effective date of suspension. It is the offender's responsibility to make sure they keep their address updated with PennDOT to ensure they receive notice.

Q: Do I qualify for an Occupational Limited License (OLL)?

A: Questions relating to OLL can be found through Penn Dot.

Q: Where do I complete my drug and alcohol evaluation?

A: Contact an approved treatment provider from the attached list:
https://yorkcountypa.gov/images/pdf/adult_prob/DUI_Providers.pdf

Q: Where do I complete my DUI education classes?

A: Contact an approved treatment provider from the attached list:
https://yorkcountypa.gov/images/pdf/adult_prob/DUI_Providers.pdf

Q: Is a drug and alcohol evaluation the same as Alcohol Highway Safety School?

A: No. The drug and alcohol evaluation and Alcohol Highway Safety School are two separate requirements. Contact a treatment provider for each of the requirements:

https://yorkcountypa.gov/images/pdf/adult_prob/DUI_Providers.pdf

Q: How often will I have to submit to urine screening?

A: Urine screening will be at the discretion of your treatment provider.

Q: Will I have to pay for urine screening?

A: Yes. You are required to pay any out of pocket expenses through your treatment provider for urine screening services provided.

Q: Where do I submit DNA?

A: If a special condition of your ARD is to submit DNA, you will be required to stay after your ARD Court Hearing and ARD Intake meeting to complete the DNA submission. If you have any questions about DNA Submissions you should contact 717-771-9600 ext. 3425.

Q: How do I schedule my community service?

A: Contact Adult Probation, Community Service Coordinator, at 717-771-9602.

Q: Can I reschedule my Victim Impact Panel?

A: No. The Victim Impact Panels are predetermined dates and will not be rescheduled upon request. If you are unable to attend your scheduled Victim Impact Panel then you must contact Mothers Against Drunk Driving (MADD) to schedule a panel. If you choose to complete the Victim Impact Panel requirement through MADD, be prepared to pay out of pocket and get a receipt as proof to provide to the District Attorney's Office.

Q: Where are fines, court costs and restitution paid?

A: Fines, costs and restitution are paid in the Clerk of Courts office located on the first floor of the York County Judicial Center (45 North George Street, York, Pa 17401). You can find more payment information here: <https://ujportal.pacourts.us/ePay/Default.aspx>.

Q: How can I find out how much I owe for costs, fines and restitution?

A: The Pennsylvania Unified Judicial System has a website that lists all outstanding amounts due by docket number at the following link: <https://ujportal.pacourts.us/>.

You can complete a search by selecting "Docket Sheets" dropdown bar, then "Common Pleas Courts". You can then search by "Common Pleas Docket Number" or by "Participant Name", by clicking on "Search Type" and entering the requested information.

Q: Am I required to pay restitution at ARD Court?

A: If you are required to pay restitution due at ARD Court, the special conditions on your ARD acceptance letter will indicate restitution is due at ARD Court and how much. Note, any restitution amount in excess of \$1,000 must be paid at the time of the ARD placement hearing.

Q: What if I do not have the money to pay restitution at ARD Court?

A: If your ARD acceptance letter indicates you are responsible for restitution due at ARD Court, then you MUST pay the amount indicated on your acceptance letter. Failure to pay restitution due at ARD Court will result in removal from the ARD program and your case scheduled for Pretrial Conference.

Q: What if I do not agree with the special or general conditions of ARD?

A: The special and general conditions of ARD are requirements. You do not get to pick and choose what conditions you do or do not want to complete. If you decide you do not want to complete the conditions of ARD or feel you are incapable of completing the conditions of ARD, you should contact the District Attorney's Office and request to withdraw your ARD application. Once you withdraw your ARD application, you will be rejected from the ARD program and your case will be scheduled for Pretrial Conference.

Q: After I complete ARD, how do I get my charges expunged?

A: Once an ARD case has been closed successfully, the District Attorney's Office will mail a dismissal petition and a letter with instructions. They will be sent to the address we have on record for you. You must sign the dismissal petition in front of a notary, have the petition notarized and return the signed and notarized petition to the District Attorney's Office. The Petition will be submitted to the Judge to sign. Once approved by the Judge, a copy will be mailed to you. The original is sent to the Clerk of Courts. A completed dismissal order is sent to the Magisterial District Judge and the arresting Police Department, then forwarded to the Pennsylvania State Police for expungement from the central repository. This is a lengthy process that can take up to six months to complete.

Q: Am I required to pay off all outstanding case balances on previous common plea cases before entering ARD?

A: Yes. If you have prior common pleas cases and still owes money, you MUST pay off all prior common pleas cases prior to ARD placement. This does not include summary cases paid through the Magistrates office unless you have a warrant for the summary case. If you have an overdue case balance at any Magisterial District Justice's Office you must pay the overdue balance and address any warrants associated with failing to pay.

Q: What happens if I do not pay my total costs in full before I end supervision?

A: Not having your balance paid in full before the expiration of your supervision period is a violation of the conditions of your ARD. Therefore, a violation report will be submitted to the Court and you are subject to removal from ARD. If removed from ARD your case will be scheduled for Pretrial Conference and you will receive no credit for the conditions you completed while on ARD.

Q: What happens if I don't complete my conditions within the time given to me?

A: Failure to complete all ARD conditions before the 11th month of your supervision is a violation of your ARD. Therefore, a violation report will be submitted to the court and you are subject to removal from ARD. If removed from ARD your case will scheduled for Pretrial Conference and you will receive no credit for the conditions you completed while on ARD.

Revised March 30, 2020