# COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE



# INSTRUCTIONS AND PETITION FOR RESTORATION OF DRIVING PRIVILEGES AFTER BEING DECLARED AN HABITUAL OFFENDER

http://courts.state.de.us/commonpleas/

NEW CASTLE COUNT	Y _KENT COUNTY _SUSSEX COUNTY
Petitioner,	) ) C.A. NO
V.	) ) Date of Birth:
STATE OF DELAWARE,	) Date:
Respondent.	
INST	RUCTION SHEET
	RENT ADDRESS AND TELEPHONE NUMBER HEDULING PURPOSES
COMPLETE ADDRESS:	
	Marienta 1/19)
TELEDUONE NILIMDED:	

• In order to file a Petition for the restoration of your driving privileges, you must have been declared an habitual offender. You **must** retain the Court order for restoration proceedings.

SIGNATURE:

- As an Habitual Offender under 21 <u>Del.C.</u> § 2802, your driving privileges have been suspended pursuant to 21 Del.C. § 2809.
- Subsection (4) of § 2809 of Title 21 permits the filing of a petition for early restoration of driving privileges after a full three (3) years has elapsed since you were declared as an habitual offender. The

Court will consider your Petition if all fines and costs have been paid, there have been no driving violations during the three (3) years since you were declared an habitual offender, and the Department of Justice has reviewed and approved the request.

- If a period of five (5) years has elapsed since you were declared an habitual offender, the Department of Justice does **not** need to review your petition, however; the other conditions still apply. File your paperwork **directly** with the Clerk's Office of the Court of Common Pleas requesting your driving privileges be restored.
- If filing the Petition in Kent or Sussex Counties, you should contact the Clerk's Office in that County for instructions.

Kent County: 1-302-735-3900 Sussex County: 1-302-858-5730

#### I. FILING INSTRUCTIONS:

- A. To file a Petition, complete the following "set of documents:"
  - Instruction Sheet
  - 2. Petition to Restore Driving Privileges

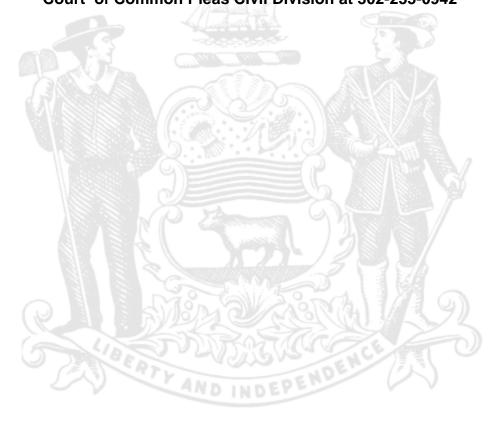
No petition will be accepted for filing unless the set of documents are completed and signed. When you bring your completed packet to the Clerk's Office, you will be required to pay a filing fee of \$25.00. This entitles you to one (1) certified copy of the Order signed by a Judge or Commissioner. Each additional certified copy will cost \$10.00. Payment for extra copies must be made by SEPARATE check.

- B. If applying for restoration **before** the complete five (5) year period lapse:
  - 1. The set of documents must be submitted to the Department of Justice, Carvel State Office Building, 820 N. French St., Wilmington, DE 19801. A Deputy Attorney General will review and send them back to the Court with an approval or disapproval.
- C. If applying for restoration **after** the full five (5) years have passed:
  - 1. File the set of documents directly with the Civil Division of the Court of Common Pleas, New Castle County Courthouse, Suite 1600, 500 N. King Street, Wilmington, Delaware 19801.

#### II. COURT PROCEDURES:

A. The Clerk's Office will docket the set of documents and you will be assigned a hearing date and notified by mail using the information you provide to us on the instruction sheet. The Court will have access to your driving record during the hearing.

If you have any questions regarding this procedure, please contact the Court of Common Pleas Civil Division at 302-255-0942



		) C.A. No
	Petitioner,	)
	v	) Date of Birth:
STAT	E OF DELAWARE,	) ) DE License No.:
	Respondent.	
	PETITION TO REST	ORE DRIVING PRIVILEGES
TO:	Department of Justice Carvel State Office Building 820 N. French Street Wilmington, Delaware 19801	
	PLEASE TAKE NOTICE that	the attached Petition will be presented to the
Court	by Petitioner and heard at the	convenience of the Court.
	ATYAND	
	(Pr	gn Name) int Name) ddress)
	(Tele	phone No.)

Dated: \_\_\_\_\_

#### \_\_NEW CASTLE COUNTY \_\_KENT COUNTY \_\_SUSSEX COUNTY

	) C.A. No
Petitioner,	
v.	Date of Birth:
STATE OF DELAWARE,	) ) DE License No.:
Respondent.	
PETITION TO RESTORE	E DRIVING PRIVILEGES
COMES NOW the Petitioner, here	by moving this Honorable Court to enter
an Order to Restore Petitioner's Drivin	g Privileges and offers in support the
following:	
1. On or abouthabitual offender under 21 <u>Del.C.</u> § 2802	, Petitioner was declared an
ATY AND	
2. Petitioner has not driven a habitual offender.	motor vehicle since being declared an
3. Petitioner declares: (please	e check only one)
a Five (5) ye declared an habitual offender under Ch Petition does not require review from the	•

		Chapter	28 of Title	d since Petitioner was 21, and the instruction tice for review.
WHEREFO	RE, Petitioner resp	ectfully	requests the	e Court enter an Order
restoring Petitione	r's Driving Privilege	s pursua	nt to Title 2	1 <u>Del. C</u> . § 2809.
			6	Petitioner
After having review	wed the Petition, the	Office o	of the Attorn	ey General:
Approves	Disapproves		on	
				Date
		Ву		
			Deputy Att	orney General
	VIO TONIN			
	BERTYAND			

	) C.A. No
Petitioner,	)
٧.	)
	) Date of Birth:
STATE OF DELAWARE,	
Respondent.	) DE License No.:
RESTO	RATION ORDER
AND NOW, TO WIT, this	day of, 20, the
// September 2011	
foregoing Petition having been heard	d and considered,
foregoing Petition having been heard Where five (5) years ha	day of, 20, the d and considered, aving elapsed since the final order declaring pursuant to Chapter 28 of Title 21, and
foregoing Petition having been heard Where five (5) years hapetitioner as an habitual offender	d and considered, aving elapsed since the final order declaring pursuant to Chapter 28 of Title 21, and
foregoing Petition having been heard Where five (5) years ha petitioner as an habitual offender petitioner has met all financial respo	d and considered, aving elapsed since the final order declaring pursuant to Chapter 28 of Title 21, and nsibilities.
foregoing Petition having been heard  Where five (5) years have petitioner as an habitual offender petitioner has met all financial respo  Where Three (3) have petitioner an habitual offender and	d and considered, aving elapsed since the final order declaring pursuant to Chapter 28 of Title 21, and nsibilities. ng elapsed since the final order declaring this petition having been reviewed by the
foregoing Petition having been heard  Where five (5) years have petitioner as an habitual offender petitioner has met all financial responsible.  Where Three (3) have petitioner an habitual offender and Department of Justice with their positioner.	d and considered, aving elapsed since the final order declaring pursuant to Chapter 28 of Title 21, and nsibilities. Ing elapsed since the final order declaring this petition having been reviewed by the ition so indicated above.
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