



STATE OF DELAWARE
THE JUSTICE OF THE PEACE COURT


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POLICY DIRECTIVE 83-074 (Revised)

TO: ALL JUSTICE OF THE PEACE COURT EMPLOYEES

FROM: ALAN G. DAVIS
CHIEF MAGISTRATE 

RE: DEFENDANT HISTORY FORMS

DATE: AUGUST 1, 2018

Scope

This Policy Directive revises and replaces the original Policy Directive 83-074, and includes the updated English and Spanish versions with instructions for each.

Justice of the Peace Court Policy

It is the policy of the Justice of the Peace Court that all defendants shall fully complete, to the best of their knowledge and abilities, the "Defendant History" form (formerly known as the "Pedigree Record") at their initial appearance in the court and update information at any subsequent appearance thereafter. Defendants shall amend, when appropriate, all pertinent information, including address, phone numbers, e-mail address, employment, military service, and nearest relative fields. Judges will no longer be required to sign "Defendant History" forms.

Policy Directives Affected

The prior version of Policy Directive 83-074 is rescinded, but may be retained for historical purposes.

Effective Date

This policy shall take effect on issuance.

Discussion:

All defendants at their initial appearances in a Justice of the Peace Court location, shall complete the "Defendant History" form. This includes defendants who appear and request a direct case transfer to the Court of Common Pleas and defendants whose charges statutorily lie with another court, whether it be with the Court of Common Pleas, Family Court or Superior Court. Clerical staff shall provide the Spanish version of the "Defendant History" form to all defendants who are Spanish-only speakers, whether appearing for "Spanish Arraignment" dockets or otherwise. Clerical staff should provide the "Instruction" sheets, available in English and Spanish, to defendants **IF NEEDED**.

It shall be the clerical staff's responsibility to enter new and any amended information into DELJIS from the "Defendant History" form supplied with each new or subsequent court appearance, whether the defendant completes the form in a Justice of the Peace court location, or in a police agency or prison for a videophone hearing. This should be done prior to calling the defendant into the courtroom. If defendants submit incomplete "Defendant History" forms in person or via fax from police agencies or prisons, the clerk should return them and request the missing information.

Judges should quickly scan "Defendant History" forms for any glaring omissions whenever setting bail, setting up payment plans, or ordering work referrals or garnishments. If Social Security Numbers (SSNs) are not on the form, judges should explain to defendants that SSNs are required should tax intercepts become necessary for collection (i.e. the defendants fail to make agreed-upon payments, fail to complete work referral, or fail to inform the court of employment changes.)

The information requested on "Defendant History" forms provides data necessary to satisfy important court objectives, such as ensuring procedural fairness, and reducing Failure to Appear and Failure to Pay capiases. When indicated, judges should inform defendants of possible consequences resulting from a refusal to provide information or having inaccurate information in the court's files, for example:

- 1) Current addresses are necessary for defendants to receive notices via the United States Postal Service (USPS) of hearing dates, or to receive computer-generated Failure to Appear or Failure to Pay reminder letters;
- 2) Current phone numbers are important for clerical staff to make contact with defendants for last minute continuances and are necessary for VINES to make reminder calls for scheduled court appearance dates;
- 3) E-mail addresses are important for future electronic communications;
- 4) Dates of birth, driver's license numbers, and other identifying information are important for cases involving mistaken identities;
- 5) Employment information is necessary for garnishment of wages or work referral orders;

- 6) Military service information is important to identify defendants who could benefit from Veterans Court; and
- 7) Nearest Relative information is necessary for cases involving juvenile defendants.¹

Although judges may inform defendants who refuse to sign their “Defendant History” forms that such action might affect the bail decision, neither clerks nor judges can force the signature.

Conclusion:

The more clerks and judges work together with defendants to provide current and accurate information on “Defendant History” forms, the closer the court will be to achieving important objectives, such as providing procedural fairness, and reducing failure to appear and failure to pay capiases.

Attachments: CJ703 Defendant History – English Version
CJ703 Defendant History – Spanish Version
CJ703I Defendant History (Instructions) – English Version
CJ703I Defendant History (Instructions) – Spanish Version

cc: All Justice of the Peace Court Employees
Honorable Leo E. Strine, Jr.
Honorable Andre Bouchard
Honorable Jan Jurden
Honorable Alex J. Smalls
Honorable Michael K. Newell
Amy Quinlan, State Court Administrator
Marianne Kennedy
Jody Huber, Esquire
Mark Hitch
Jill Malloy
Law Libraries: New Castle County, Kent County, Sussex County,
Widener University School of Law

¹ This is a non-exclusive list of possible applications for the data provided on “Defendant History” forms.

JUSTICE OF THE PEACE COURT OF THE STATE OF DELAWARE

IN AND FOR _____ COUNTY

Defendant History

FULL NAME: _____
Last Name First Name Middle Init Suffix

FULL ADDRESS: _____
Street, Road or Apt Number

CITY/TOWN: _____ STATE: _____ ZIP CODE: _____

HOW LONG AT THE ABOVE ADDRESS _____ Years _____ Months.

SEX: _____ RACE: _____ DATE OF BIRTH DATE: _____

HEIGHT: _____ WEIGHT: _____ HAIR COLOR: _____ EYE COLOR: _____

PHONES: HOME () _____ - _____ WORK () _____ - _____ CELL () _____ - _____

SOCIAL SECURITY NO: _____ E-MAIL ADDRESS: _____

DRIVER'S LICENSE NUMBER: _____ STATE: _____

VETERAN: Have you ever served in the United States Military? Yes ___ No ___

EMPLOYER NAME: _____ HOW LONG: YEARS _____ MON _____

WORKING HOURS: _____ OCCUPATION: _____

EMPLOYER ADDRESS: _____
Street, Road, Apt. Number City, State and Zip code

NEAREST RELATIVE/SPOUSE: _____

RELATIONSHIP TO DEFENDANT: _____

ADDRESS: _____
Street, Road, Apt Number

City/town State Zip code PHONE: () _____

INTERPRETER LANGUAGE REQUIRED: _____

NOTICE: It is a criminal offense for a person to make a false statement which he knows to be false or does not believe to be true. Making a false statement is a Class 'A' misdemeanor under 11 DE § 1233.
The above information which I have provided is true and accurate to the best of my knowledge.

DATE

X

DEFENDANT SIGNATURE

CLERK'S INITIALS: _____

CASE NUMBER: _____

JUZGADO DE PAZ DEL ESTADO DE DELAWARE
EN Y PARA EL CONDADO DE _____

Datos personales del acusado

NOMBRE COMPLETO: _____
Apellido Nombre Segundo nombre

DIRECCIÓN: _____
Calle y número No. de apartamento

CUIDAD/PUEBLO: _____ ESTADO: _____ CÓDIGO POSTAL: _____

CUÁNTO TIEMPO HACE QUE VIVE ALLÍ: Años _____ meses _____

SEXO: _____ RAZA: _____ FECHA DE NACIMIENTO: _____

ALTURA: _____ PESO: _____ COLOR DE CABELLO: _____ COLOR DE OJOS: _____

TELÉFONO CASA: () _____ TRABAJO: () _____ CELULAR: () _____

NUMERO DE SEGURIDAD SOCIAL: _____ E-MAIL: _____

NO. LICENCIA DE CONDUCIR: _____ ESTADO: _____

VETERANO: ¿Sirvió usted en las fuerzas armadas de los EEUU? SI _____ NO _____

COMPAÑÍA PARA LA QUE TRABAJA: _____ HORARIO: _____

OCUPACIÓN: _____ ¿Cuánto hace que trabaja allí? _____ años.

DIRECCIÓN DEL TRABAJO: _____
Número de oficina

NOMBRE DE PARIENTE MÁS CERCANO: _____ PARENTESCO: _____

DIRECCIÓN _____
Calle, número, y apartamento

TELÉFONO: () _____
Ciudad/pueblo Estado Código postal

NECESITO INTÉRPRETE DEL IDIOMA: _____

AVISO: Es un delito penal declarar información falsa sabiendo que es falsa o creyendo que no sea cierta. Prestar una declaración falsa es un delito menos-grave Clase "A" según 11 DE § 1233.

La información que he proporcionado arriba es verdadera y exacta a mi leal saber y entender.

FECHA

X

FIRMA DEL ACUSADO (A)

INICIALES DE SECRETARIO(A) JUDICIAL: _____ NÚMERO DE CAUSA _____

INSTRUCTIONS ON HOW TO FILL OUT A DEFENDANT HISTORY FORM

This is a defendant history form that contains your personal information. Please complete this form by making any changes to information that is incorrect, filling in any blank items and sign and date the form below. Pay special attention to the items listed below as this information is important to the court should we need to contact you regarding your case:

- Name and date of birth
- Home (or mailing address)
- Current phone numbers
- Employer information
- Nearest relative information

If you are under the age of 18 your parent or guardian will also need to sign this form (and any other forms) you sign here today.

When you have completed your defendant history form; give the form and these instructions back to the clerk at the front window. Please have a seat in the lobby and listen for your name to be called into the courtroom to speak with the judge.

JUZGADO DE PAZ

INSTRUCCIONES PARA COMPLETAR EL FORMULARIO DE DATOS PERSONALES

El formulario en inglés llamado “Defendant History” contiene datos personales del acusado. PARA COMPLETARLO USE COMO GUÍA EL FORMULARIO EN ESPAÑOL QUE APARECE EN LA PARTE DE ATRÁS DE ESTA PÁGINA.

Por favor vea el formulario original. Corrija toda información que no sea la correcta y complete la información que falte. Una vez terminado, firme y ponga la fecha de hoy en la parte de abajo de la página. Preste atención a los datos mencionados abajo porque la corte los necesita para comunicarse con usted con respecto a su caso. Los datos son:

- Su nombre y fecha de nacimiento
- Dirección – de su casa o casillero postal
- Su número de teléfono
- Información de su trabajo
- Datos de su pariente más cercano

Si usted es menor de dieciocho (18) años, sus padres tendrán que firmar éste y todo otro formulario que se requiera hoy.

Una vez completado el formulario, regréselo, con estas instrucciones, a la secretaria en la ventanilla. Por favor tome asiento y espere a que lo(a) llamen para atender su caso.