The Family Court of the State of Delaware

In and For [ ]  New Castle County [ ]  Kent County [ ]  Sussex County

## PROBATION BEFORE JUDGMENT

### STATE OF DELAWARE vs

|  |  |  |
| --- | --- | --- |
| Name |  | Case Number (s) |
|       |  |        |
| Street Address (including Apt) |  |  |
|       |  | Title/Section/Offense  | Guilty | Nolo Contendre | Nolle Prosequi |
| P.O. Box Number |  | 4 7 11 214 7 11 214 7 11 214 7 11 214 7 11 214 7 11 21 | §       | [ ]  | [ ]  | [ ]  |
|       |  |  | §       | [ ]  | [ ]  | [ ]  |
| City/ State/ Zip Code |  |  | §       | [ ]  | [ ]  | [ ]  |
|       |  |  | §       | [ ]  | [ ]  | [ ]  |
| Date of Birth | Telephone # |  |  | §       | [ ]  | [ ]  | [ ]  |
|       |       |  |  | §       | [ ]  | [ ]  | [ ]  |

## INTERIM ORDER

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| AND NOW, this |       | day of |  | ,  |       | , pursuant to 11 *Del. C.* § 4218, and with the |

consent of both the Defendant and the State of Delaware:

1. The Defendant is charged with an offense eligible for Probation Before Judgment pursuant to 11 *Del.C.* § 4218(a).
2. The Defendant has entered a plea of [ ]  GUILTY [ ]  NOLO CONTENDERE to the above offense(s).
3. The Defendant is not statutorily barred from Probation Before Judgment pursuant to 11 *Del. C.* § 4218(c) or (d). The Defendant has no previous such offense on his/her record, is not currently serving a sentence of incarceration, probation, parole or early release of any type imposed for another offense, and has not previously been admitted to Probation Before Judgment for any offense within 5 years of the current offense
4. The Defendant has provided the Court with his or her current address and shall provide the Court with written notice of any change in address promptly.
5. The Defendant shall appear, if summoned, at any hearing convened for the purpose of determining whether he or she has violated or fulfilled the terms and conditions of Probation Before Judgment.
6. The Defendant has been informed of and understands his/her rights under Brown v. State and waives his/her right to trial in this case. The Defendant has also been advised that violation of the terms and conditions of probation will result in being returned to Court for the entry of judgment and sentencing as if he/she had never been admitted to Probation

|  |  |  |
| --- | --- | --- |
| Before Judgment. The maximum sentence for the admitted offense is |       |  days/months  |
| incarceration and a fine of | $ |       | . |

1. The Court accepts the plea as knowingly, intelligently, and voluntarily given but stays the entry of judgment, defers further proceedings, and places the Defendant on PROBATION BEFORE JUDGMENT for a period of:

|  |  |  |  |
| --- | --- | --- | --- |
|       | months at Level  |       | subject to the following terms and conditions: |

|  |  |  |
| --- | --- | --- |
|  |  |  Judge/Commissioner  |
|  |  |       |
|  |  | (Print Name) |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| [ ]  | Pay a fine of $ |       | of which $  |       | is suspended |
| [ ]  | $10 payable to ‘Victim Compensation Fund” (11 *Del.C* §9016)  |
| OR | [ ]  | Penalty of 18% ($ |       | ) of all fines, penalties, or forfeitures |
| [ ]  | Pay court costs in the amount of $55.00 of which $ |       | is suspended |
| [x]  | Pursuant to 11 *Del. C.* § 4101(d), the defendant shall pay $1.00 per charge for a total of $ |       | into the  |
|  | Video Phone Fund. |
| [x]  | Pursuant to 11 *Del. C*. § 4101(f), the defendant shall pay $1.00 per charge for a total of $ |       | into the  |
|  | DELJIS Fund. |
| [ ]  | Pursuant to 11 *Del. C*. § 4101(g)(1),the defendant shall pay a fifty percent (50%) surcharge of the fine for a total  |
|  | of $ |       | into the Transportation Trust Fund. |
| [x]  | Pursuant to 11 *Del. C*. §4101 (h), the defendant shall pay $15.00 into the Police Fund per charge for a total  |
|  | of $ |       |  |
| [ ]  | Pursuant to 11 *Del C.* §4101(i) the defendant shall pay $100.00 per charge to the Senior Trust Fund for a total |
|  | of $ |       |  |
| [x]  | Pursuant to 10 *Del. C.* § 8505, the defendant shall pay a Court Security Assessment of $10.00 per charge for a  |
|  | total of $ |       |  |
| [ ]  | Pursuant to 11 *Del. C.* § 4101(j), the defendant shall pay $10.00 per violation of Title 21 for a total of $ |       |
|  |

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| --- | --- | --- | --- | --- | --- |
| **[ ]**  | **MONTHLY PAYMENT OF $**  |  | **DUE BY** |  | **AND EACH MONTH THEREAFTER.** |

|  |  |
| --- | --- |
| [ ]  | Completion of a Mental Health Evaluation and follow any recommendations for counseling/treatment |
| [ ]  | Completion of a Substance Abuse Evaluation and follow any recommendations for counseling/treatment |
| [ ]  | Completion of Domestic Violence Counseling  |
| [ ]  | Completion of Anger Management Counseling |
| [ ]  | Completion of a Parenting Class |
| [ ]  | No contact with: |       |
| [ ]  | No unlawful contact with: |       |
| [ ]  | Contact with:  |       | as recommended by DFS |
| [ ]  | Contact with:  |       | pursuant to PFA |
| [ ]  | Payment of restitution in the amount of $ |       |  |  |
| [ ]  | Comply with DFS recommendations |
| [ ]  | Other: |       |
|  |       |
|  |       |
|  |       |
|  |       |

**IT IS SO ORDERED.**

|  |  |  |
| --- | --- | --- |
|       |  |  |
| Date |  |  Judge/Commissioner  |
|  |  |       |
|  |  | (Print Name) |

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| CC: | [ ]  DEFENDANT | [ ]  PROBATION | [ ]  DAG: |       |  | [ ]  ATTORNEY: |       | [ ]  CASHIER | [ ]  CRIM UNIT |
|  | [ ]  DOC\_NewCastle\_IntakeCourtOrders@delaware.gov | [ ]  DOC\_P&PDover\_Reports@delaware.gov | [ ]  DOC\_Sussex\_IntakeCourtOrders@delaware.gov |

**NOTICE TO ALL DEFENDANTS**

**WHO DO NOT PAY IN FULL TODAY**

**You must report any change of address to the cashier in person or in writing within 5 days of any change.**

Notice is hereby given to the above named defendant of the unpaid fines, costs, restitution and fees as amount indicated on the sentencing order. Said amount was imposed by Order of this Court as part of a criminal or delinquent sentence. To secure payment, the Defendant is hereby put on notice the Court can among other things, take the following action(s);

**CONTEMPT OF COURT** – Failure to appear to make payments or ask for more time and failure to cooperate with any collection efforts listed below can result in your arrest for Criminal Contempt of Court. Conviction of Criminal Contempt of Court could result in a sentence to jail for 12 months plus additional costs and fines.

**PAYMENTS** –

Failure to make a payment as ordered, set up a payment plan, or abide by a payment plan may result in a capias being issued.  The Cashier’s Office (302-255-0468) can provide information regarding payment plan arrangements, or can accept payments made by phone.  A list of payment kiosk locations is available here:  <https://courts.delaware.gov/family/payment.aspx>.  Payments can also be made online: <https://pubsrv.deljis.delaware.gov/ePayment/>.

**WAGE ASSIGNMENT** – The Court may collect outstanding fines and penalties through either a voluntary or involuntary wage assignment.

**CIVIL JUDGMENT** – The Court can enter a civil judgment against the defendant personally. A civil judgment effectively may preclude a defendant from borrowing money or securing credit.

**INCOME TAX REFUND** – The court can seize tax refund proceeds and apply them to payment of outstanding fines and penalties.

**FIRST OFFENDERS / PROBATION BEFORE ADJUDICATION PLEAS:** Upon failure to comply with any term of the probation sentence, including payment of fines and penalties, the Court can revoke the original sentence and re-sentence the defendant.

**SUMMONS** – The Court can periodically summon the defendant to court to monitor payment progress.

**WORK REFERRAL** – The Court may order the defendant to work referral to collect fines and penalties.

 This list is not exhaustive. Be aware the Court may take other appropriate action to secure the defendant’s compliance with a criminal or delinquency sentencing order.