**The Family Court of the State of Delaware**

In and For  New Castle County  Kent County  Sussex County

**PROBATION BEFORE ADJUDICATION OF DELINQUENCY**

### STATE OF DELAWARE vs

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Name | | | |  | Case Number | |
|  | | | |  |  | |
| Street Address (including Apt) | | | |  | Offense(s) | |
|  | | | |  | Title and Section of the Delaware Code  (circle one Title and add section) | |
| P.O. Box Number | | | |  | 4 7 11 21 | § |
|  | | | |  | 4 7 11 21 | § |
| City/ State/ Zip Code | | | |  | 4 7 11 21 | § |
|  | | | |  | 4 7 11 21 | § |
| Date of Birth | Telephone # | | |  | 4 7 11 21 | § |
|  |  | | |  | 4 7 11 21 | § |
| Email Address | |  |  |
|  | |  |  |

**ELECTION FORM**

I HEREBY ELECT TO APPLY for Probation Before Adjudication of Delinquency under 10 *Del. C.* § 1009A.

|  |  |  |
| --- | --- | --- |
| 1. | My current address is: |  |
|  |  |  |
|  |  |  |

1. I will provide the Court with written notice of any change of my address immediately.

3. If summoned, I shall appear in Court to determine whether I have violated or fulfilled the terms and conditions of Probation Before Adjudication.

1. I understand that if my application for Probation Before Adjudication of Delinquency is accepted:
   1. I must admit or plead nolo contendere to the charge(s) in question;
   2. The Court will not enter an adjudication of delinquency if my election is accepted, but will instead stay the declaration of delinquency in connection with this case;
   3. The Court will place me on probation under such terms and conditions as the Court, in its discretion, deems appropriate, which may include, but not be limited to: fines for Title 21 offenses, restitution, community service, no contact with certain persons and limitations on conduct;
   4. My election to apply for Probation Before Adjudication of Delinquency is a waiver of the right to speedy trial. In other words, I understand that I may not raise my right to speedy trial as a constitutional challenge to any judicial proceedings held in connection with this case if I am later returned to Court on this charge;
      1. If I violate a term or condition of my probation I will be returned to the Court and if the Court determines that a violation of my probation has occurred, an adjudication of delinquency will be entered in connection with this case and I will then be sentenced under the provisions of the applicable statues, which may include a period of incarceration and fines up to the maximum allowed by statute;
      2. Upon fulfillment of the terms and conditions of probation, including, but not limited to, satisfactory completion of any special terms of probation, and payment of any fine or restitution, the Court will discharge me from probation. Such discharge under the Probation Before Adjudication of Delinquency shall be without adjudication of delinquency and is not a conviction for purposes of disqualification or disabilities imposed by law upon conviction of a crime, except the additional penalties imposed for second or subsequent offenses under the Delaware Code.
2. I hereby give my written consent to the Court permitting the Court to hold a hearing or proceeding in my absence if:
   1. Timely notice of the hearing or proceeding is sent or delivered to the address provided; and
   2. I fail to appear at the hearing or proceeding.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Date: |  |  |  |  |  |
|  |  |  | Juvenile Respondent Print |  | Juvenile Respondent Signature |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  | Parent/Guardian Print |  | Parent/Guardian Signature |