A picture containing text, ceramic ware, porcelain

Description automatically generated**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: |  |  |
|  |  |  |
| Street Address: |  |  |
|  |  |  |
| Apartment: |  |  |
|  |  |  |
| P.O. Box Number: |  |  |
|  |  |  |
| City/State/Zip Code: |  |  |
|  |  |  |
| Date of Birth: |  |  |
|  |  |  |
| Telephone Number: |  |  |
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|  | | | | | | | | | | | |
| Case Number(s): | | | | |  | | | | | |  |
|  | | | | | | | | | | | |
| **Title/Section/Offense** | | | | | | | | **Delinquent Plea Accepted** | **Nolo Contendere Plea Accepted** | **Nolle Prosequi** | |
|  | | | |  | | | |  |  |  | |
| 4 | 7 | 11 | 21 | § | |  |  |  |  |  | |
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| 4 | 7 | 11 | 21 | § | |  |  |  |  |  | |
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| 4 | 7 | 11 | 21 | § | |  |  |  |  |  | |
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| 4 | 7 | 11 | 21 | § | |  |  |  |  |  | |
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| 4 | 7 | 11 | 21 | § | |  |  |  |  |  | |
|  |  |  |  |  | |  |  |  |  |  | |
| 4 | 7 | 11 | 21 | § | |  |  |  |  |  | |
|  |  |  |  |  | |  |  |  |  |  | |

**INTERIM ORDER**

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| --- | --- | --- | --- | --- | --- | --- |
| AND NOW, this |  | day of |  | , |  | , pursuant to 10 *Del. C.* § 1009A, |
|  | | | | | | |
| and with the consent of both the Respondent and the State of Delaware: | | | | | | |
|  | | | | | | |
| 1. The Respondent is charged with an offense eligible for Probation Before Adjudication of | | | | | | |
|  | | | | | | |
| Delinquency pursuant to 10 *Del. C.* § 1009A. | | | | | | |
|  | | | | | | |
| 1. The Respondent has entered an  ADMISSION OF DELINQUENCY  PLEA OF NOLO | | | | | | |
|  | | | | | | |
| CONTENDERE to the above offense(s). | | | | | | |
|  | | | | | | |
| 1. The Respondent is not statutorily barred from Probation Before Adjudication of Delinquency | | | | | | |
|  | | | | | | |
| pursuant to 11 *Del. C.* § 4218(c) or (d). The Respondent 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 Adjudication of Delinquency for any offense within 5 years of the current | | | | | | |
|  | | | | | | |
| offense. | | | | | | |

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| 1. The Respondent has provided the Court with his or her current address and shall provide the | | |
|  | | |
| Court with written notice of any change in address promptly. | | |
|  | | |
| 1. A hearing to consider revocation of the probationary status and resentencing for the original | | |
|  | | |
| offense will be scheduled upon application of probation if Respondent is not in compliance | | |
|  | | |
| with the terms of Probation Before Adjudication. The Respondent shall appear, if summoned, | | |
|  | | |
| at any hearing convened to determine whether the Respondent has violated or fulfilled the | | |
|  | | |
| terms and conditions of Probation Before Adjudication of Delinquency. | | |
|  | | |
| 1. The Respondent has been informed of and understands his/her rights under Brown v. State | | |
|  | | |
| and waives his/her right to trial on this offense. The Respondent has also been advised that | | |
|  | | |
| violation of the terms and conditions of probation will result in being returned to Court for a | | |
|  | | |
| declaration of delinquency and sentencing as if he/she has never been admitted to Probation | | |
|  | | |
| Before Adjudication of Delinquency. The maximum sentence for the admitted offense is an | | |
|  | | |
| indefinite commitment at Level 5. | | |
|  | | |
| 1. The Court accepts the plea as knowingly, intelligently, and voluntarily given but stays the | | |
|  | | |
| declaration of delinquency, defers further proceedings, and places the Respondent on | | |
|  | | |
| PROBATION BEFORE ADJUDICATION OF DELINQUENCY for a period of |  | months |
|  | | |
| of: | | |
|  | | |
| administrative probation | | |
|  | | |
| probation supervision by YRS subject to the following terms and conditions: | | |

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|  |  |
|  | Judge/Commissioner |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| CC: |  | RESPONDENT | | | | |
|  |  |  | | | | |
|  |  | PARENT/GUARDIAN: | | |  | |
|  |  |  | | | | |
|  |  | DAG: |  | | | |
|  |  |  | | | | |
|  |  | DEFENSE COUNSEL: | | | |  |
|  |  |  | | | | |
|  |  | OTHER: | |  | | |

**COURT ORDERED SPECIAL CONDITIONS**

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **IT IS FURTHER ORDERED that Respondent shall:** | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | | | | | | | | | | |
|  | Perform | | |  | | | hours of community service during the first | | | | | | | | | | |  | | | months of probation. | | |
|  |  | | | | | | | | | | | | | | | | | | | | | | |
|  | Have no contact with | | | | | | |  | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | and any lawful contact shall occur only as part of school attendance. | | | | | | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | | | | | | | | |
|  | Have no unlawful contact with | | | | | | | | | |  | | | | | | | | | | | | . |
|  |  | | | | | | | | | | | | | | | | | | | | | | |
|  | Lose driver’s license and/or privileges: | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | For a period of | | |  | | | | | | (3 months – 4 years) OR  until age | | | | | | | |  | | (10 *Del. C.* § | |
|  |  | |  | | | | | | | | | | | | | | | | | | | | |
|  |  | | 1009(c)(12)). | | | | | | | | | | | | | | | | | | | | |
|  |  | |  | | | | | | | | | | | | | | | | | | | | |
|  |  | | For a period of | | |  | | | (2 – 6) months for first offense OR | | | | | | | | | |  | | (up to 12) months for | | |
|  |  | |  | | | | | | | | | | | | | | | | | | | | |
|  |  | | subsequent violation(s) of 21 *Del. C.* § 4177 (21 *Del. C.* § 4177L). | | | | | | | | | | | | | | | | | | | | |
|  |  | |  | | | | | | | | | | | | | | | | | | | | |
|  |  | | 30 days for first offense OR | | | | | | | | | |  | | (90 – 180) days for subsequent violation(s) of 4 *Del.* | | | | | | | | |
|  |  | |  | | | | | | | | | | | | | | | | | | | | |
|  |  | | *C.* § 904 (4 *Del. C.* § 904). | | | | | | | | | | | | | | | | | | | | |
|  |  | |  | | | | | | | | | | | | | | | | | | | | |
|  |  | | For a period of 6 months for violation(s) of 6 *Del. C.* §§ 4752-4764 or any drug offense under | | | | | | | | | | | | | | | | | | | | |
|  |  | |  | | | | | | | | | | | | | | | | | | | | |
|  |  | | 11 *Del. C.* § 5 (21 *Del. C.* § 4177K). | | | | | | | | | | | | | | | | | | | | |
|  |  | |  | | | | | | | | | | | | | | | | | | | | |
|  |  | | The later of 17th birthday or 1 year from adjudication for violation(s) of 21 *Del. C.* § 2701 (10 | | | | | | | | | | | | | | | | | | | | |
|  |  | |  | | | | | | | | | | | | | | | | | | | | |
|  |  | | *Del. C.* § 1009(g)). | | | | | | | | | | | | | | | | | | | | |
|  |  | |  | | | | | | | | | | | | | | | | | | | | |
|  |  | | Until age 21 for violation(s) of 21 *Del. C.* § 4177 (10 *Del. C.* § 1009(f)(1)). | | | | | | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | | | | | | | | |
|  | Be evaluated for substance abuse and follow any recommendations. | | | | | | | | | | | | | | | | | | | | | | |
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|  | PBH shall review youth to determine eligibility for intensive treatment services. If PBH does not | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | | | | | | | | |
|  | find the youth eligible for such services, youth shall be evaluated by a licensed behavioral health | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | | | | | | | | |
|  | provider and participate in any recommended treatment. Youth is ordered to cooperate with PBH | | | | | | | | | | | | | | | | | | | | | | |
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|  | and the behavioral health provider and engage in any recommended treatment services. | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | | | | | | | | |
|  | PBH is ordered to complete the following psychological evaluation(s), and youth is ordered to | | | | | | | | | | | | | | | | | | | | | | |
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|  | cooperation with PBH in completing the same: | | | | | | | | | | | | | | | | | | | | | | |
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|  |  | Competency Evaluation | | | | | | | | | | | | | | | | | | | | | |
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|  |  | Evaluation for fire-setting behaviors | | | | | | | | | | | | | | | | | | | | | |
|  |  |  | | | | | | | | | | | | | | | | | | | | | |
|  |  | Evaluation for inappropriate sexual behaviors | | | | | | | | | | | | | | | | | | | | | |
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|  |  | General psychological/neuropsychological evaluation | | | | | | | | | | | | | | | | | | | | | |
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|  | Complete the following counseling or treatment program: | | | | | | | | | | | | | | | |  | | | | | | |
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|  | Attend school regularly and exert best effort. | | | | | | | | | | | | | | | | | | | | | | |
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|  | Obey curfew of | | | |  | | | | | p.m. and | | | |  | | p.m. on Friday and Saturday night as set by: | | | | | | | |
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|  | Obey curfew as set by  Probation Office OR  Parent. | | |
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|  | Write letter of apology to victim(s) by |  | and provide a copy to probation officer. |
|  |  | | |
|  | Testify truthfully against co-Respondent(s) and/or testify truthfully as to facts of involvement. | | |

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| **IT IS FURTHER ORDERED that Respondent shall PAY:** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | Restitution | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | | In the amount of $ | | | |  | | | | | | | to Family Court, which shall be payable to: | | | | | | | | | | | | | | | |
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|  |  | | | State shall file a request of restitution within | | | | | | | | | | | | |  | | | days. Respondent shall have | | | | | | |  | | days | |
|  |  | | |  | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | | to respond. | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | Only for Title 21 offenses (10 *Del. C.* §§ 1002(c), 1009(c)(4)): | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | Fine of | | | | |  | | | for violation of | | | | |  | | | | | | |  | 21 *Del. C.* § | | |  | | | , | | |
|  |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | |  | |  | | of fine is suspended/waived\* | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | Fine of | | | | |  | | | for violation of | | | | |  | | | | | | |  | 21 *Del. C.* § | | |  | | | , | | |
|  |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | |  | |  | | of fine is suspended/waived\* | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | Fine of | | | | |  | | | for violation of | | | | |  | | | | | | |  | 21 *Del. C.* § | | |  | | | , | | |
|  |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | |  | |  | | of fine is suspended/waived\* | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | In lieu of a fine, perform | | | | | | | | |  | | hours of community service within | | | | | | | | | | | |  | | months of probation. | | | | |
|  |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | **MONTHLY PAYMENT OF $** | | | | | | | | | |  | | **DUE BY** | | | | |  | | | | | **AND EACH MONTH THEREAFTER.** | | | | | | | |
|  |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | **Arrangements must be made in Cashier’s Office TODAY to establish payment plan.** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | **Other:** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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|  |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | Parent/Guardians are COURT ORDERED to cooperate with and participate in counseling/ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | treatment (10 *Del. C.* § 1009(c)(17)). | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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|  |  |
|  | Judge/Commissioner |

**NOTICE TO ALL RESPONDENTS**

**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 Respondent of the unpaid fines and restitution 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 Respondent 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 the need to return to Court for another hearing. Phone payments can be made by calling the Cashier’s Office at 302-255-0468. 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 through either a voluntary or involuntary wage assignment.

**CIVIL JUDGMENT** – The Court can enter a civil judgment against the Respondent personally. A civil judgment effectively may preclude a Respondent 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 Respondent.

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

**WORK REFERRAL** – The Court may order the Respondent 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 Respondent’s compliance with a criminal or delinquency sentencing order.