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

In and For  New Castle County  Kent County  Sussex County

## DUI First Offender Program

### STATE OF DELAWARE vs

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Name | |  | Case Number(s) | | | | |
|  | |  |  | | | | |
| Street Address (include Apt) | |  | Offense(s) | | | | |
|  | |  |  | | | | |
| P.O. Box Number | |  |  |  | Del. C. § |  |  |
|  | |  |  |  | Del. C. § |  |  |
| City/ State/ Zip Code | |  |  |  | Del. C. § |  |  |
|  | |  |  |  | Del. C. § |  |  |
| Date of Birth | Telephone # |  |  |  | Del. C. § |  |  |
|  |  |  |  |  | Del. C. § |  |  |

## ELECTION FORM

I HEREBY ELECT TO APPLY for the DUI First Offender Program under 21 Del. C. §4177B.

|  |  |  |
| --- | --- | --- |
| 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 the DUI First Offender Program.

1. I understand that if my application for the DUI First Offender Program is accepted:
   1. I must admit or plead nolo contendere to the above charge(s);
   2. The Court will not enter an adjudication of delinquency if my election is accepted, but will instead stay the adjudication 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: DUI courses and/or rehabilitation program, fines, Court costs, surcharges, restitution, community service, no contact with certain persons and limitations on conduct;
   4. My election to apply for the DUI First Offender Program 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 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, including failure to appear for evaluation at an assigned evaluating agency, 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 21 Del. C. §4177, which may include a period of incarceration up to 12 months and fines up $1500;
      2. Upon fulfillment of the terms and conditions of probation, including, but not limited to, satisfactory completion of the course of instruction and/or program of rehabilitation, any special terms of probation, and payment of all costs and fees, the Court will discharge me from probation and submit to the Division of Motor Vehicles a written report specifying my name and the nature of the proceedings against me, which shall be retained by the Division of Motors Vehicles for further proceedings, if required. Such discharge under the DUI First Offender Program 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.
      3. The Court **must** order the Motor Vehicle Division of the Department of Transportation to revoke or suspend my driver’s license and/or driving privilege until the age when I am legally allowed to consume intoxicating liquor. This revocation or suspension is **not** subject to waiver, except after a minimum period of 6 months, and then only if I successfully complete a course of instruction and/or program of rehabilitation and I have demonstrated a critical need for the return of restricted driving privileges, as detailed in 10 Del. C. §1009(f)(1).

5. I hereby give my written consent to the Court permitting the Court to hold a hearing or proceeding in my absence if:

a) Timely notice of the hearing or proceeding is sent or delivered to the address provided; and

b) I fail to appear at the hearing or proceeding.

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