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 |
|       |  |       |
| Street Address |  | Offense(s) |
|       |  | Title and Section of the Delaware Code(circle one Title and add section) |
| P.O. Box Number |  |  21 | §       |
|       |  |  21 | §       |
| City/ State/ Zip Code |  |  21 | §       |
|       |  |  21 | §       |
| Date of Birth | Telephone # |  |  21 | §       |
|       |       |  |  21 | §       |

## INTERIM ORDER

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| AND NOW, this |       | day of |       | ,  |      | , pursuant to 21 *Del. C.* § 4177B, and with the |

Consent of both the Respondent and the State of Delaware:

1. The Respondent is charged with an offense eligible for the DUI First Offender Program pursuant to 21 *Del.C.* § 4177B.
2. The Respondent has entered a(n) [ ]  ADMISSION OF DELINQUENCY [ ]  PLEA OF NOLO CONTENDERE to the above referenced offense(s).
3. The Respondent is not statutorily barred from the DUI First Offender Program by virtue of the existence of a condition enumerated in 21 *Del. C.* § 4177B(a).
4. 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.
5. The Respondent shall appear, if summoned, at any hearing convened for the purpose of determining whether the Respondent has violated or fulfilled the terms and conditions of the DUI First Offender Program set forth herein.
6. The Respondent has never had a previous or prior conviction or offense on his/her record as defined in 21 *Del. C.* § 4177B(e)(1); has not accumulated 3 or more moving violations within 2 years of the date of the offense in question on his or her driving record according to the records of the Division of Motor Vehicles of the Respondent’s state of residence; was not, with respect to the offense in question, involved in an accident resulting in injury to any person other than the Respondent’s own self; did not have an alleged alcohol concentration of .15 or more at the time of driving or within 4 hours of driving; was not driving without a valid license or under a suspended or revoked license at the time of the offense in question; and is not subject to the enhanced penalties of 21 *Del. C.* § 4177(d)(10) for carrying a child on or within his or her vehicle while driving under the influence.
7. The Respondent has been informed of and understands his/her rights under Brown v. State and waives his/her right to a trial on this offense. The Respondent has also been advised that violation of the terms of probation will result in being returned to Court for the declaration of delinquency and sentencing as if he/she had never been admitted to the DUI First Offender Program. The maximum sentence for the admitted offense is an indefinite commitment to Level 5.
8. The Court accepts the plea as knowingly and voluntarily given but stays the declaration of delinquency, defers further proceedings, and places the Respondent in the DUI First Offender Program for a period of

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|       |  months at level |       | subject to the following terms and conditions: |
| [ ]  Enroll in a course of instruction or program of rehabilitation established by the Secretary of Safety and Homeland Security pursuant to 21 *Del. C*. § 4177D[ ] Revocation of the driver’s license and/or driving privileges until age 21 or for a minimum period of 6 months from the date of the license is received by the Motor Vehicle Division if a critical need has been demonstrated pursuant to 10 *Del.C.* § 1009(f)(1). |

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| [ ]  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\* |
|  |

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| --- | --- | --- | --- |
| [ ]  |  In lieu of a fine, perform  |       |  hours of community service and submit written confirmation to |
|  | Probation upon completion. |  |

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

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| --- | --- | --- |
| [ ]  | No contact with |       |
|  |       |
|  |       |

 (unless it occurs [ ]  in a lawful manner, [ ]  in facilitation of Court ordered visitation).

|  |  |
| --- | --- |
| [ ]  | Do not commit any new offense |
| [ ]  | Other:  |       |

1. A hearing to consider revocation of the probationary status and resentencing for the original offense will be scheduled upon application of probation. Absent such a motion, the Court will schedule a hearing to discharge the probation at or about expiration of the probationary period.

**IT IS SO ORDERED.**

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|  |  |  |
| Date |  |        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 a capias being issued. 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.