

Domestic Violence Implementation Lab

Interjurisdictional Service in Delaware

A Resource from the
Pandemic Rapid Response Team

August 2022



	Ex Parte Protective Order (Temporary/Emergency)	Final Protective Order
Statute	Delaware Code 10 Del. C. § 1041	
Terminology	Ex Parte Protective Order	Final Protective Order
Length of Order	Until Final Protective Order, typically 15 – 30 days	One year from date of issuance, as ordered by the court. No contact provisions can be entered for a two-year period, and, if aggravating factors are established, can be further extended to a lifetime order.
Available Relief	<ul style="list-style-type: none"> • Restrain the respondent from committing acts of domestic violence and from contacting or attempting to contact the petitioner; • Grant possession of the residence or household to the petitioner; • Grant temporary possession to petitioner of property solely or jointly owned by respondent or petitioner, including but not limited to, motor vehicles, checkbooks, keys and other personal effects; • Order the respondent, petitioner and other protected class members, individually and/or as a group, to participate in treatment or counseling. • Order the respondent to pay support for the petitioner and/or for the parties' children as well as monetary compensation for losses suffered as a direct result of domestic violence committed by the respondent; • Grant temporary custody of the children of the parties to the petitioner. • Order the respondent to relinquish the respondent's firearms and to refrain from purchasing additional firearms for the duration of the order as well as directing any law-enforcement agency to search for and seize firearms upon a showing by the petitioner that the respondent has possession of a firearm; and • Prohibit the respondent from transferring, encumbering, concealing or in any way disposing of specified property owned or leased by parties. 	

Protected Parties	<ul style="list-style-type: none"> • Family, regardless of state of residence of the parties, or whether parental rights have been terminated; • Former spouses; • Persons cohabitating together who are holding themselves out as a couple, with or without a child in common; • Persons living separate and apart with a child in common; or • Persons in a current or former substantive dating relationship.
Requirements for Service	<ul style="list-style-type: none"> • Pleadings and orders filed or issued are served by the Sheriff or the Sheriff's deputy or by any person authorized to serve. • Court enters the protective order into the Delaware Justice Information System on or before the next business day. • Court enters the protective order into the National Crime Information Center (NCIC) and uses this database to cross-reference any other orders registered in Delaware. • This entry provides notice to all law-enforcement agencies of the existence of the order.
Registration Required for Enforcement	<ul style="list-style-type: none"> • Not required, but can register by presenting a certified copy to the Court
Military Jurisdictions	<p>Military Bases:</p> <ul style="list-style-type: none"> • 166th AW • Dover AFB <p>Processes on Military Jurisdictions: Contact the individual military jurisdiction for service process details.</p>
Other Information	None

Out of State Service Fees¹:

None

For more information, please contact State Point of Contact Ava Carcirieri (ava.carcirieri@delaware.gov).

If you would like to provide suggestions/feedback on this Profile, visit:
https://ncsc2.iad1.qualtrics.com/jfe/form/SV_eQzzYCcGK38Q64C

¹ Courts should not charge a victim of domestic violence, dating violence, stalking, or sexual assault any costs associated with the filing, issuance, registration, or service of protection orders, whether issued by civil or criminal courts, including intra- and inter-jurisdictional orders. This no-cost provision also applies to any fees or costs associated with a criminal matter related to domestic violence, stalking, dating violence, and sexual assault (42 U.S.C. § 3796 hh(c)(4)). Charging any of these costs will render a jurisdiction ineligible for certain VAWA