

How To Use This Guide

It is important to note that this brochure is not intended to be a comprehensive guide. Rather, it is meant to be an *introductory* resource explaining protective orders in the state.

This tool is not designed to provide legal advice or suggest that obtaining a protective order is a survivor's best course of action. It is an informational resource to consider in addition to other options available to a survivor. **Ultimately, the decision to pursue a protective order is the survivor's decision.** This guide is intended to assist survivors in making an informed decision about whether to file for a protective order. It is strongly recommended that individuals work with victim services, legal advocates or other support systems.

What Are Protective Orders?

A protective order is a court-issued document that can provide relief and resources.

Protection From Abuse Order (PFA)

For those that are currently or were previously in a substantive, dating relationship, married, or in a familial relationship, a PFA Order instructs someone to stop abusing another person and may include additional measures like keeping the abuser away from the victim. Abuse encompasses various forms of harmful behavior. There are emergency or "ex parte" same-day hearings, and final hearings. These can result in one-year, two-year, lifetime orders, or no orders.

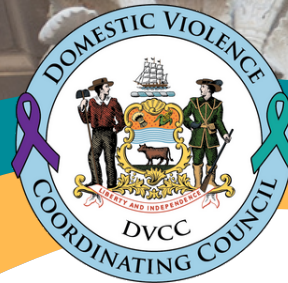
1. Neither a casual acquaintanceship nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute a substantive dating relationship as defined in 13 Del. C. § 1041.

Sexual Violence Protective Orders (SVPO)

For those not in a family or substantive dating relationship, SVPOs protect individuals who have experienced sexual violence. It offers specific protections to the victim, for example, prohibiting the offender from contacting or approaching them, and may include additional measures to ensure their safety. There are emergency or "ex parte" same-day hearings, and non-emergency orders must be held within 15 days of filing.

Lethal Violence Protective Order (LVPO)





An LVPO prohibits a person from controlling, owning, purchasing, possessing, or having access to a firearm to prevent potential acts of lethal violence. The order grants specific restrictions, to ensure the safety of potential victims and mitigate the risk of lethal violence. Law enforcement officers request emergency orders and non-emergency hearings are held at Superior Court within 15 days of filing.



Understanding Protective Orders

Protection From Abuse Orders
Sexual Violence Protective Orders
Lethal Violence Protective Orders

Contact Us

-  DVCC_information@delaware.gov
-  302-255-1700
-  dvcc.delaware.gov
-  900 N. King Street, Suite 300
Wilmington, DE 19801

Last Revision 12/29/2023

Protection From Abuse Order

Sexual Violence Protective Order

Lethal Violence Protective Order

Who can file?

- ✓ Division of Family Services on behalf of a minor child in its care.
- ✓ Division of Adult Protective Services acting in the interest of an impaired adult.
- ✓ A person from a “protected class” who files allegations of domestic violence which includes:
 - ✓ Spouse or former spouse
 - ✓ Persons living together and holding themselves out as a couple (with or without a child in common)
 - ✓ Persons living separate and apart but who have a child in common
 - ✓ Persons in a current or former substantive dating relationship
 - ✓ Parent or child (including step- and in-law)
 - ✓ Brother or Sister (including step- and in-law)
 - ✓ Son or daughter (including in-law and where parental rights have been terminated)
 - ✓ Grandparent or Grandchild
 - ✓ Any other family member you are related to by blood, adoption, or marriage but only if you reside “in one home under one head.”

Who can file?

- ✓ Petitioners who do not qualify for a PFA because there is no family or substantive dating relationship between the victim and perpetrator and where the respondent is at least 18 years of age.
- ✓ The petitioner experienced any non-consensual sexual conduct or non-consensual sexual penetration².
- ✓ The petitioner must have a reasonable fear that the respondent will harm the petitioner in the future based on specific conduct that occurred simultaneously with or subsequent to the sexual violence.

2. See 10 Del. C. § 7202 for a definition of sexual conduct and penetration.

Who can file?

- ✓ **Emergency LVPO**
The concerned individual must contact their local police department with jurisdiction. **Only law enforcement can petition for an Emergency LVPO.**
- ✓ **Non-Emergency LVPO**
Family members, persons with a child in common, persons in a substantive dating relationship, or law enforcement can petition in Superior Court.

Who can provide support?

Domestic Violence Advocacy Program (DVAP)
Located in Family Court at the courthouses in New Castle, Kent, and Sussex Counties. Provides support to people experiencing intimate partner violence, domestic violence, and dating violence, but not other forms of family violence.

New Castle County 302-255-0420
Kent County 302-672-1075
Sussex County 302-856-5843

Who can provide support?

Sexual Assault Response Center 1-800-773-8570
Contact Lifeline DE 1-800-262-9800

Visit <https://dsp.delaware.gov/victim-services/> or call **1-800-842-8461** to get connected to your local police-based victim services.

For More Information on LVPOs

<https://coalitionforasafedelaware.org/lvpo/>



Scan here for more information.

Court Responsible for Order Family Court

New Castle County
302-255-0300
Leonard L. Williams Justice Center
500 North King Street
Wilmington, DE 19801

Kent County
302-672-1000
400 Court Street
Dover, DE 19901

Sussex County
302-855-7400
22 The Circle
Georgetown, DE 19947

Court Responsible for Order Superior Court

***New Castle County**
302-255-0800
Leonard L. Williams Justice Center
500 North King Street
Wilmington, DE 19801

Kent County
302-735-1900
414 Federal Street
Dover, DE 19901

Sussex County
302-855-7055
1 The Circle, Suite 2
Georgetown, DE 19947

*New Castle County Superior and Family Court are both located in the Leonard L. Williams Justice Center.

Court Responsible for Order Superior Court

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302-255-0800
Leonard L. Williams Justice Center
500 North King Street
Wilmington, DE 19801

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