



DELAWARE

Each state has different requirements for getting a civil domestic violence protective order. Because it makes protective orders extremely difficult for teens to obtain, Delaware's grade for protecting teen victims of domestic and dating violence is a D.

Do I Qualify for a Protective Order in Delaware?

Type of Relationship

In order to qualify for a protective order, the abuser must be someone:

- You are dating or used to date¹
- You are living with or used to live with²
- You are married to or used to be married to³
- You have a child with⁴
- Who you live with, is a resident of Delaware and is your parent, step-parent, child, step-child, sibling, in-law, or grandparent⁵
- Who is the custodian of a child⁶

Type of Abuse⁷

A judge is allowed to give you a protective order when your abuser has:

- Physically abused you
- Threatened to physically abuse you
- Attempted to physically abuse you
- Sexually abused you
- Unlawfully held you against your will
- Destroyed or damaged your property
- Abused a child
- Engaged in alarming behavior that causes you to fear for your safety

Age

If you are 18 years or older, you can obtain a protective order yourself without an adult's permission.⁸ For minors under 18, child protection services or a parent or legal guardian must file for you.⁹

How Do I Get a Protective Order?

If you qualify to apply for a protective order, you can go to court to file for a temporary order. At that time, the judge may hold an emergency hearing and give you a temporary order. The judge will also schedule a full hearing for sometime within the next 10 days.¹⁰ After a full hearing, the judge can grant you a permanent protective order, which lasts for one year and can be renewed.¹¹

What Can I Ask for in a Protective Order?

You may ask the court for the following in a protection order:

- The abuser must not commit domestic violence, contact or attempt to contact you¹²
- Temporary child custody and visitation¹³
- Child and spousal support¹⁴
- Money for costs resulting from the abuse¹⁵
- Temporary and exclusive use of any property, including a shared residence¹⁶
- Counseling for victim and family members¹⁷
- Attorney's fees¹⁸
- Abuser must surrender any firearm(s)¹⁹

How Much Will It Cost?

It is free.²⁰

You have the right to a safe and healthy relationship...
free from violence and free from fear.

¹ Del. Code Ann. tit. 10, § 1041(2)(b) (2007)

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.* §901(9).

⁶ *Id.*

⁷ *Id.* §1041(1).

⁸ *Id.* §901(2).

⁹ *Id.* §§ 1041(3)(b), 1043(a).

¹⁰ *Id.* § 1043

¹¹ *Id.* §§ 1045(b)-(e)

¹² *Id.* §§ 1045(a)(1)-(2)

¹³ *Id.* § 1045(a)(5).

¹⁴ *Id.* § 1045(a)(6).

¹⁵ *Id.* § 1045(a)(7).

¹⁶ *Id.* §§ 1045(a)(4).

¹⁷ *Id.* § 1045(a)(7).

¹⁸ *Id.*

¹⁹ *Id.* § 1045(a)(8).

²⁰ *Id.* §1045(a)(7)

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