

PROTECTION FROM ABUSE: What You Need to Prove & What Relief You Can Obtain
A paraphrased review of important parts of Delaware's PFA Law (10 Del. C. §§ 1041 and 1045) with pertinent links to Delaware's Criminal Law (11 Del. C. §).

What You Need to Prove: The Family Court Commissioner or Judge must be convinced that the respondent has committed an act of abuse against you as that term is defined in the Delaware PFA law at [section 1041 of Title 10 of the Delaware Code](#). In order to effectively present your PFA case YOU NEED TO PROVE at least one (and may prove as many as you can) of the following:

- The perpetrator either on purpose, or recklessly, caused or attempted to cause physical injury to or sexual offense against the victim. [(a)]
- The perpetrator either on purpose or recklessly, did something to make the victim feel that she had a good reason to fear that she might be physically injured or sexually assaulted by him. [(b)]
- The perpetrator either on purpose or recklessly, did something to make the victim feel that she had a good reason to fear that someone else might be physically injured or sexually assaulted by him. [(b)]
- The perpetrator either on purpose, or recklessly, damaged destroyed or took stuff that belonged to the victim. [(c)]
- The perpetrator's behavior, actions, or words could reasonably cause the victim to be afraid or to be emotionally distressed. [(d)]
- The perpetrator' behavior, actions, or words could reasonably cause the victim to become violent or disorderly. [(d)]
- The perpetrator entered without permission -- or stayed after being asked to leave -- a place that the victim (or someone else) lived in or owned. [(e)]
- The perpetrator went onto without permission -- or stayed after being asked to leave -- land that the victim (or someone else lived on or owned. [(e)]
- The perpetrator went into any place or onto any land that a court (in any order regarding the victim) told the perpetrator not to go. [(e)]
- The perpetrator committed child abuse. [(f)]
- The perpetrator unlawfully restrains the victim or the victim's children (i.e. prevents the victim or the victim's children from leaving or moving about). [(g) kidnapping and unlawful imprisonment per [11 Del. C. §§ 781-783A](#)]
- The perpetrator (who is also the father of the victim's less than 16 year old child and who has [11 Del. C. § 784](#) as a defense) takes the child from the victim with the intention of permanently (or for a prolonged period of time) keeping the child away from the victim. [(g) kidnapping and interference with custody per [11 Del. C. §§ 785](#)]
- The perpetrator forces the victim to either do or not do something by causing her to fear that he (or another person) will either: [(g) coercion per [11 Del. C. § 791](#)]
 - physically harm her or another person [(1)]
 - damage property [(2)]
 - commit a crime [(3)]
 - accuse someone of a crime or cause criminal charges to be filed against someone [(4)]
 - expose a secret (or publicize a truth or a lie) with the goal of subjecting the victim to ridicule or hatred or contempt [(5)]
 - testify or provide information (or withhold testimony or information) regarding someone's legal defense or claim [(6)]

- use or abuse his own position as a public servant by doing (or failing to do) some job-related act so as to adversely affect the victim or another person [(7)]
- do something which is intended to harm the victim or another person's health, safety, business, calling, career, financial condition, reputation or personal relationships. [(8)]
- The perpetrator does anything which a reasonable person under the particular circumstances would find threatening or harmful. [(h)]

• **What Relief You Can Obtain:** The following is a listing of all of the things that Family Court can order in a PFA. (10 Del. C. § 1045 (a)).

- Order that the perpetrator not commit acts of domestic abuse. [(1)]
- Order that the perpetrator not contact or attempt to contact the victim. [(2)]
- Order that the perpetrator move from the residence or household so that the victim (or other resident) can have exclusive possession of the residence/household. (The Court has authority to make this order even if the perpetrator or someone else owns or leases the residence/household.) [(3)]
- Order that the perpetrator give the victim possession (for the duration of the PFA or for some other specified time) any listed personal property including, but not limited to:
 - Motor vehicles [(4)]
 - Bank accounts? (checkbooks) [(4)]
 - Keys [(4)]
 - And other personal items [(4)]
- Order the perpetrator give up temporary custody of the children to the victim (or another family member). [(5)]
- Order the perpetrator to pay support (including temporary housing costs) for the victim and for the parties' children. [(6)]
- Order the perpetrator to pay the victim (or any other family member) for the following expenses which resulted directly from the perpetrator's acts of domestic violence:
 - Medical [(7)]
 - Dental [(7)]
 - Counseling [(7)]
 - Loss of earnings or other support [(7)]
 - Cost of repair/replacement of real or personal property damaged or taken by perpetrator [(7)]
 - Moving and other travel expenses [(7)]
 - Litigation costs [(7)]
 - Attorneys fees [(7)]
- Order the perpetrator to relinquish (and refrain from purchasing or receiving) all firearms for the duration of the PFA. Firearms may only be relinquished to police officers, sheriffs or constables. [(8)]
- Order the perpetrator to refrain from transferring, concealing, mortgaging, or otherwise encumbering any property owned or leased by the parties. [(9)]
- Order treatment or counseling. [(10)]
- Order anything else that the court believes reasonably necessary or appropriate to prevent or reduce the likelihood of future domestic violence. [(11)]