DV201: After the Protection Order

What Happens Next?

DCADV
DELAWARE COALITION AGAINST DOMESTIC VIOLENCE

In collaboration with representatives from Family Court of the State of Delaware, Delaware State Police, Delaware Department of Correction, and the Domestic Violence Coordinating Council

PFA Service

Joanna Kauffman, *Family Court Domestic Violence Coordinator*

Language

Throughout the presentation, neutral, fact-based language will be used to describe individuals and circumstances.

Petitioner - a person who files a Petition for Protection from Abuse Order (PFA).

Respondent - a person against whom a PFA petition is filed.

Terms and abbreviations will be dropped into the chat to reference.

What is a PFA?

Civil Order from Family Court

Orders one person to stop abusing another person

Provides specific relief to ensure stability and protection

Criminal and civil enforcement

What provisions may be included in a PFA?

No more abuse

No contact with the Petitioner (may also include minor children)

Stay 100 yards away

Weapons Relinquishment

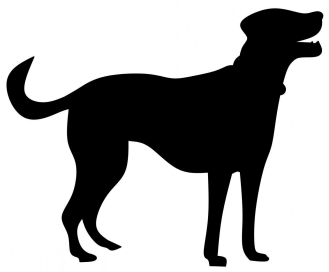
These provisions last for the entirety of the PFA order unless specifically modified by a Judge or Commissioner.

What provisions might be included in a PFA?



Exclusive use & possession of the home or of certain possessions

Temporary custody and visitation arrangements



Exclusive care, custody, or control of any companion animal

Prohibit contact with a companion animal

What provisions might be included in a PFA?

Child support or support for the Petitioner

Payment of expenses

Domestic Violence Intervention treatment

Order the respondent to return specified legal documents

Any other relief that might help prevent future violence

PFA Process Overview

File PFA Petition in Family Court (in person, by email, by USPS)

- “Regular”
- Ex Parte
- Expedited

Service to respondent

Case Review - agreement reached by consent, case continued for trial, default order issued, dismissed voluntarily or because petition failed to appear. (If service is not confirmed, case may be continued for publication).

PFA Process Overview

File a Petition in Family Court

File in-person, by email, or by USPS

- “Regular”
- Ex Parte
- Expedited

Service to Respondent

More on how this is done in a moment!

Case Review

Agreement reached by consent, case continued for trial, default order issued, dismissed voluntarily or because petition failed to appear.

(If service is not confirmed, case may be continued for publication).

PFA Process Overview

PFA Mediation

Family Court mediator will meet with each party separately to help determine if an agreement can be reached on the terms of the PFA Order.

Child Related Relief Facilitator (CRF)

New Castle County Pilot Program

The Child-Related Relief Facilitator (CRF) Program is a voluntary and confidential service for parents and caregivers involved in Protection From Abuse (PFA) cases who need to address child-related matters, such as temporary custody, visitation, and communication.

PFA Process Overview

Trial - petition granted (with a finding of abuse), consent agreement, denied (no finding), voluntarily dismissed, dismissed for petitioner’s failure to appear

Case may be continued at any point in the process for service, by request of one of the parties, or by decision of the hearing officer in special circumstances.

How a PFA may be served

Personal service by process server (NCCSO)

Certified mail

Publication on the Family Court website

If a respondent appears for a PFA proceeding (case review or trial) or files a response, they waive their right to personal service.

How a PFA may be served

Personal service by process server (NCCSO)

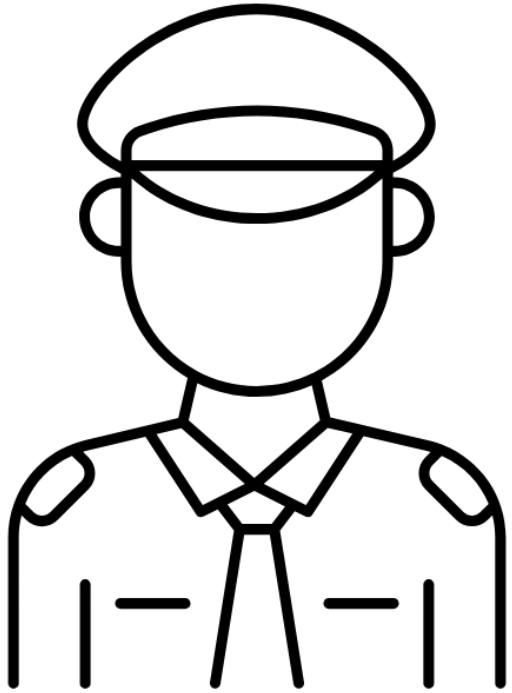
Certified mail

Publication on the Family Court website

If a respondent appears for a PFA proceeding (case review or trial) or files a response, positive service can be entered.

A respondent may be served with an ex parte or default order if they come into contact with law enforcement, the Justice of the Peace Court, the Court of Common Pleas, or Probation & Parole.

How a PFA may be served



Created by Alzam
from Noun Project

Petitioners may request assistance from local police to have an ex parte order served on the respondent in some cases.

Out-of-State Protection Orders

Delaware must give full faith and credit to out-of-State protection orders. Verification may be required.

Out-of-State PFA Orders may be registered with Delaware Family Court by filing an Affidavit and Request to Register a Foreign Protection Order (Form 475).

Once an out-of-State order is registered in Delaware Family Court, the order will appear to law enforcement and other systems in the same way in-state orders appear.

New PFA Rules

One petitioner and one respondent per petition.

Abuse may be alleged against petitioner or their own minor children, and if proven, either or both may be protected.

Petitions for a minor is not facilitated by a parent or guardian a GAL motion must be included.

New PFA Rules: Pleading Requirements

Plead with specificity – has to be enough detail (who, what, when, where) for the Respondent to be able to respond to the allegation

- Example of what is not acceptable: Respondent engaged in ongoing verbal abuse.
- Example of pleading with specificity: In June 2026 at child in common's sporting event, Respondent yelled XYZ at me."

Provide the Respondent's full name, date of birth, and address; if unknown, must explain the reasonable diligent efforts to ascertain the information

New PFA Rules: Nonresident Respondents

Petition needs to detail the Respondent's minimum contacts with Delaware and how those contacts related to the alleged abuse.

PFA orders absent personal jurisdiction can be issued to provide protective relief but not ancillary relief (property, temporary custody, etc).

New PFA Rules: Amending Petitions

Permitted without motion prior to the day before case review.

After that, motion to amend required.

New PFA Rules: Counter (Cross) Petitions



Created by Rizalwale
from Noun Project

If filed before case review, will be presumptively consolidated with the original petition.

New PFA Rules: Paternity

Court may determine parentage in any case that addresses child support, custody, or visitation.

Absent the consent of the protected party, a PFA order will not address custody or visitation with or child support for a child where paternity has not been acknowledged, established, or presumed.

Weapons Relinquishment

Respondent is in compliance by:

Relinquishing Firearms to Law Enforcement within 24 hours of service and notify the court within 48 hours of service.

Filing a Certification of Firearm Unavailability (form 435) with Family Court within 48 hours of service

Weapons Relinquishment

Certification of Firearm Unavailability with Family Court (form 435)

Respondent certifies that they **did not own, possess, or control** the firearms listed in the order at the time of the order, and does not currently own, possess, or control them.

OR

That they **are unable to obtain access** to the listed firearms, and can explain the location and reason for the inability to access them.

Weapons Relinquishment

PFA weapons relinquishment is monitored by Family Court's Domestic Violence Coordinator.

When a respondent relinquishes a weapon or files a certification with Family Court, the petitioner is notified.

DEJLIS will send notice to the petitioner if weapons have not been relinquished within the ordered timeframe.

Failure to comply with the PFA Gun relinquishment order may result in a finding of civil contempt or criminal violation.

Important note: Compliance is monitored by the Court and does not require action from the petitioner.

Weapons Relinquishment: WRIT of Injunction/Sequestration

A court order that can be issued in certain protective orders or criminal proceedings to direct law enforcement to search for and seize firearms from a person who is alleged to pose a danger to themselves or other.

According to § 1045(11) of the Delaware Code a WRIT can be issued if:

The petitioner can **describe, with sufficient particularity**, both the **type** and **location** of the firearm(s) the respondent possesses.

The respondent has **used or threatened to use a firearm** against the petitioner, or the petitioner fears the respondent may do so.

Weapons Relinquishment: WRIT of Injunction/Sequestration

WRIT is issued in a protective order hearing.

Family Court staff coordinate with the appropriate law enforcement agency for enforcement. This coordination occurs on the same day that the WRIT is issued.

The Domestic Violence Coordinator is notified and completes a VIP referral to Delaware Capitol Police on behalf of the petitioner.

The DV Coordinator continues to monitor for compliance.

Probation & Parole

Ria Wallace, *Senior Probation & Parole Officer*
Kent County Domestic Violence Unit

A PFA Is Entered - What Happens Next?

Start with the order itself, then compare it with the supervision already in place.

1 • LEARN

P&P may learn about the PFA through our DACS, law enforcement, the victim, the respondent, or another justice partner.

2 • VERIFY

Pull the actual order. Confirm protected person, restrictions, effective dates, and notice / service.

3 • COMPARE

Compare the PFA with the sentencing order, bail conditions, and any existing GPS restrictions.

The PFA gives us information. The sentencing order tells us what P&P has authority to enforce.

Two "No Contact" Orders

Civil PFA

No-Contact Provision: A civil order may restrain the respondent from contacting or attempting to contact the petitioner.

Separate Authority: A civil order exists independently from a criminal sentencing order.

Supervision Impact: A civil order does **not** automatically become a Probation & Parole condition of supervision

Sentencing Order

Conditions of Supervision

Criminal Court Condition: The sentencing court may impose no contact as a special condition of supervision.

P&P Authority: Probation & Parole supervises and enforces the conditions contained in the sentencing order.

Enforcement: A violation of a no contact special condition is addressed through the probation / parole process.

What Can Probation & Parole Enforce?

Similar no-contact language can come from different courts and create different responses.

ORDER / CONDITION	PRIMARY AUTHORITY	P&P ROLE
Civil PFA	Family Court	Verify it; consider how it affects supervision. It does not automatically become a probation condition.
Sentencing order	Sentencing court	Directly enforce the conditions of probation / parole supervision, including No Contacts
No-contact bail condition	Court handling pending charge	Share information and coordinate; the release response comes from the bail / pretrial supervision.
GPS condition	Sentencing / supervising authority	Monitor and respond only within the GPS restrictions that are actually authorized.

P&P enforces supervision conditions- not the civil PFA itself - unless the compliance with the PFA is ordered

What We Verify Before We Act

The response depends on the actual language of every active order.

PFA

- Is it active?
- Who is protected?
- What contact, proximity, residence, employment, or location restrictions apply?
- Was the respondent served or otherwise notified?

SUPERVISION

- Is there already a no-contact special condition?
- Does the order require compliance with active PFAs?
- Would new criminal conduct implicate an existing supervision condition?

RELEASE + GPS

- Is there a pending case with separate bail conditions?
- Is the respondent already on GPS?
- Which exclusion zones are actually authorized right now?

Pull the order. Read the language. Compare every active condition.

The Respondent Makes Contact - Now What?

Example: a prohibited text message or appearing at the petitioner's location.

ONE ACT OF PROHIBITED CONTACT

PFA

Law enforcement may investigate a PFA violation / criminal contempt.

BAIL

A no-contact bail condition may create a separate breach-of-release response. Not automatically a Probation matter

PROBATION

P&P asks whether an existing supervision condition was violated or new criminal conduct occurred.

GPS

Location data may support investigation, documentation, or supervision action.

It may be one act — but it is not one legal response.

GPS Zones

- No contact language does not automatically create a GPS exclusion zone.
- **A new GPS restriction must be separately authorized as part of supervision.**
- Charging must occur as directed.

PFA / New Safety Concern: Identify the location or new restriction.

Progress Report: Supervising Officer requests the additional exclusions be added to the sentencing order.

Updated Supervision: New GPS zone is added to conditions of supervision.

GPS Zones: Exclusion vs. Area of Interest

EXCLUSION ZONE • PROHIBITED

A restricted area the supervised person is not permitted to enter.

The participant-facing GPS conditions require compliance with restricted areas established by the probation officer, the Court, or the Board of Parole.

Entry triggers a supervision response based on the conditions and circumstances.

INTEREST ZONE • MONITORED

A location the victim frequently visits that may be added for tracking and officer awareness.

An alert can help identify patterns, proximity, or potential safety concerns.

Entry into an interest zone does not, by itself, establish a supervision violation or warrant an arrest.

Exclusion Zone = prohibited • Area of Interest = awareness / tracking

What Happens When GPS Generates an Alert?

The alert gives us information. The supervision order tells us what that information means.

1 • IDENTIFY

Is it an exclusion-zone, interest-zone, battery, or equipment alert?

2 • COMPARE

Compare the GPS location with the actual conditions and currently authorized zones.

3 • ASSESS

Consider immediate victim-safety concerns, patterns, and the surrounding circumstances.

4 • RESPOND

Take the authorized supervision action and coordinate with law enforcement or the court when needed.

IMPORTANT: A PFA no-contact term does not automatically create a GPS exclusion zone. A new prohibited area must be separately authorized through the supervision process.

GPS tells us where the person is. The sentencing order tells us how to respond.

Interstate Supervision



Created by Joel Wisneski
from Noun Project

The PFA and supervision transfer are separate.

PFA AUTHORITY: Issuing court controls the order and modifications. A valid out-of-state protection order may be enforced across state lines.

SUPERVISION: Sending state retains the sentence; receiving state provides day-to-day supervision through Interstate transfer. (ICAOS)

ENFORCEMENT: Verify every active order. Delaware registration is not required before enforcing a valid out-of-state protection order.

Interstate Supervision: Who Controls What?

Transfer of Probation supervision and enforcement of a protection order are separate processes.

RESPONSIBILITY	PRIMARY AUTHORITY / ROLE
PFA terms + modification	Court that issued the PFA
Original sentence + conditions	Sending state
Day-to-day supervision	Receiving state under ICAOS
Additional receiving-state conditions	Receiving state may impose comparable conditions and must notify sending state
Out of State PFA enforcement in Delaware	Delaware law enforcement / courts may enforce a valid out of state order without prior registration

Crossing a state line may change who supervises the person - not the underlying PFA.

Pulling It All Together - From Order to Action

Probation and Parole Officers follow these steps

1 VERIFY THE ORDER

Confirm the protected person.

Review contact, proximity, and location restrictions.

Confirm effective date, expiration date, and respondent notice.

2 IDENTIFY P&P AUTHORITY

Compare the PFA with the sentencing order and any pretrial conditions.

Check existing no-contact conditions.

If GPS is active, compare PFA locations with currently authorized exclusion zones.

3 RESPOND + COORDINATE

PFA violation itself → local law enforcement.

New criminal charge → P&P may respond under the new-offense condition.

Same no-contact restriction in supervision → P&P may respond to that condition violation.

Domestic Violence Intervention

Ann Altemus, LCSW, *Director of the Domestic Violence Treatment Program, CHILD, Inc.*

What is Domestic Violence Intervention (DVI)?

DVI is a **structured** intervention for people who have caused harm in intimate partner relationships.

Its core purposes are **victim safety**, **accountability**, **behavior change**, and development of **non-abusive relationship skills**.

DVI is **not** simply anger management. Delaware standards address patterns of abuse, power and control, coercion, beliefs that support abuse, and responsibility for behavior.

Takeaway: DVI focuses on accountability and changing abusive behavior—not merely controlling anger.

How DVI Is Structured and Certified in DE

DVCC	Establishes statewide certification standards and oversees certification/recertification of DVI programs.
Certified Providers	Deliver orientation, evaluation and intervention consistent with DVCC standards.
Evaluators & Facilitators	Must meet applicable qualifications, training and program requirements.
Family Court	Issues court orders and determines legal compliance with those orders.

Current standards: Adult DVI Certification Standards, revised and approved in December 2023.

Sources: Delaware DVCC Adult DVI Certification Standards (2023); Delaware Family Court materials, as applicable.

What Happens After a Court-Ordered DVI Evaluation?

- Court order

What Happens After a Court-Ordered DVI Evaluation?

Court order

Contact certified provider

What Happens After a Court-Ordered DVI Evaluation?

Court order

Contact certified provider

Orientation

What Happens After a Court-Ordered DVI Evaluation?

Court order

Contact certified provider

Orientation

Evaluation and assessment

Evaluation and Assessment

For a PFA order requiring a domestic violence evaluation, the respondent is directed to contact a DVCC-certified provider within the time stated by the Court; Delaware Family Court materials specify sign-up within two weeks of the PFA Order.

An order for evaluation does not automatically mean every respondent receives the same intervention.

The evaluation informs the treatment recommendation and appropriate level/ type of intervention.

Key distinction: The Court orders and monitors compliance; the certified DVI provider evaluates and makes the treatment recommendation.

What Happens After a Court-Ordered DVI Evaluation?

Court order

Contact certified provider

Orientation

Evaluation and assessment

Recommendation

What Happens After a Court-Ordered DVI Evaluation?

Court order

Contact certified provider

Orientation

Evaluation and assessment

Recommendation

Intervention if recommended

What Happens During DVI Intervention?

Accountability

Taking responsibility without blaming the victim or others.

Abuse Dynamics

Power/control, coercive tactics, escalation, beliefs and thinking errors that support abuse.

Impact

Effects of domestic violence on partners, children, self, family and others.

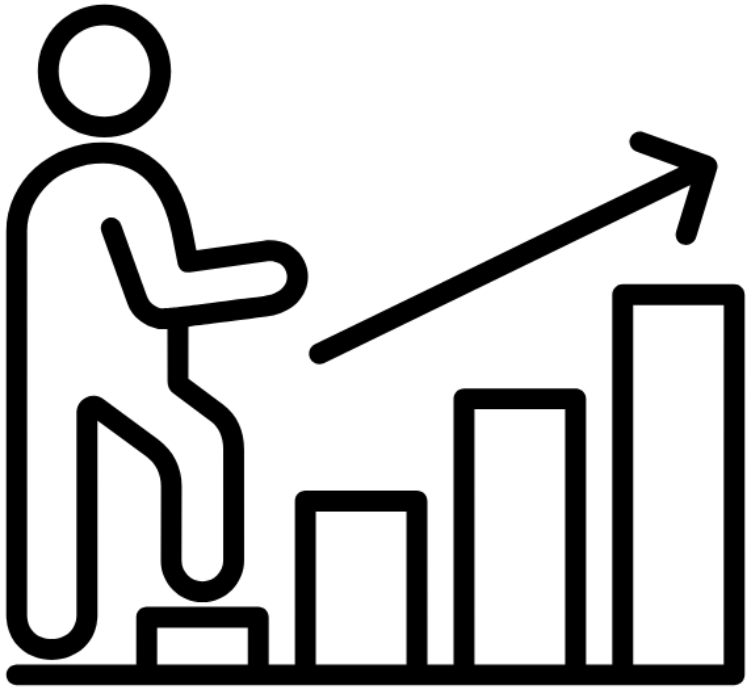
Skills

Non-abusive communication, empathy, problem-solving, self-management and conflict resolution.

Treatment length is individualized by evaluation, classification and risk—not a universal “20–26 sessions.”

Sources: Delaware DVCC Adult DVI Certification Standards (2023); Delaware Family Court materials, as applicable.

Provider monitors progress



Created by Alhaliza Risma Elvariani
from Noun Project

Participation

Respect

Assignments/homework

Responsibility

Alternatives to violence

Thinking errors

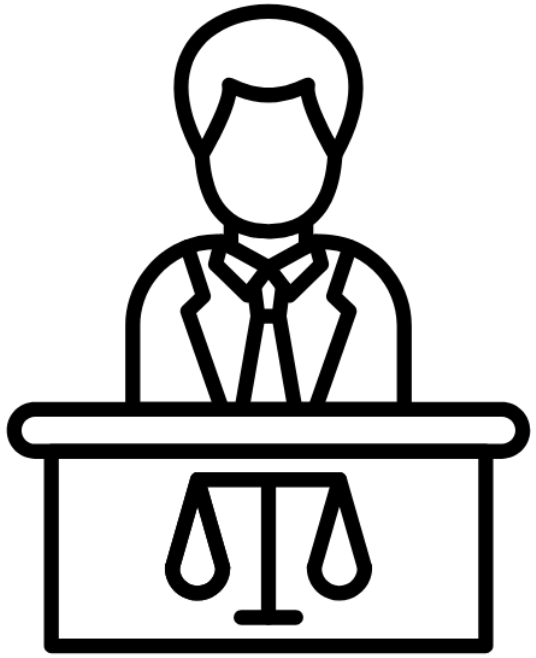
Provider communicates required information



Created by Xin Corleone
from Noun Project

Authorized progress/ compliance information is reported according to court and program requirements.

Court determines legal compliance



Created by Circlon Tech
from Noun Project

The respondent appears as directed; Family Court determines compliance with its order and the next court action.

Completion is documented



Created by I Putu Dicky Adi Pranatha from Noun Project

Certified providers verify successful completion as required.

Provider = treatment progress and required reporting.

Court = legal compliance and disposition.

Compliance Calendar

Bailey Coco, *PFA Compliance Coordinator, Family Court of the State of Delaware*

What is the Compliance Calendar?

Monthly calendar hearings to monitor PFA Respondents who are ordered to complete a DVI Evaluation and recommended treatment

Avoids one-size-fits-all programming by ordering an evaluation and all recommended treatment

Increase in completion rate since monitoring

Addresses litigants with different socioeconomic barriers

The Respondent must be evaluated by a DVCC Certified Treatment Program WITHIN TWO WEEKS of the date of this Order, or from the date this Order is served, and follow all recommendations for treatment. Upon completion of the DV Treatment Program, Respondent will ensure that a certificate of completion is filed with the Court. Respondent can drop off at any Family Court location or mail or email to the below address. Name and date of birth must be on the certificate of completion.

FCKCDVCert@Delaware.gov
Family Court
Attn: PFA Unit
400 Court Street
Dover, DE 19901

Recommended Provider: Turning Point at People's Place
Dover Air Force Base Family Advocacy Program
(military members and dependents only)

The Respondent shall show, on demand, proof of compliance with ordered treatment to the Court. The DVCC Certified Treatment Providers shall inform the Court of Respondent's compliance with treatment. The DV Court Project Coordinator will monitor the Respondent's compliance with treatment throughout the life of the Order. If the Respondent fails to provide the information as required the Court may initiate proceedings to hold the Respondent in contempt.

Upon service of this Order, the Respondent may be required to appear in Family Court for periodic judicial review hearings. The Respondent's compliance with the DV treatment order will be monitored; and the Respondent's attendance at the review hearings is mandatory.

OTHER:

Compliance Calendar

Who is monitored on the compliance calendar?

Served orders

Not in DOC custody

Active orders

When is a litigant removed from the compliance calendar?

Successful completion of treatment

DVI not recommended

PFA Vacated or Modified

Unsuccessful completion of treatment

What Do Hearings Look Like?

~15 litigants per time slot

Ordered from compliant to non-compliant

Hearing officer asks questions about DVI progress, thoughts about the process, and care coordination when necessary

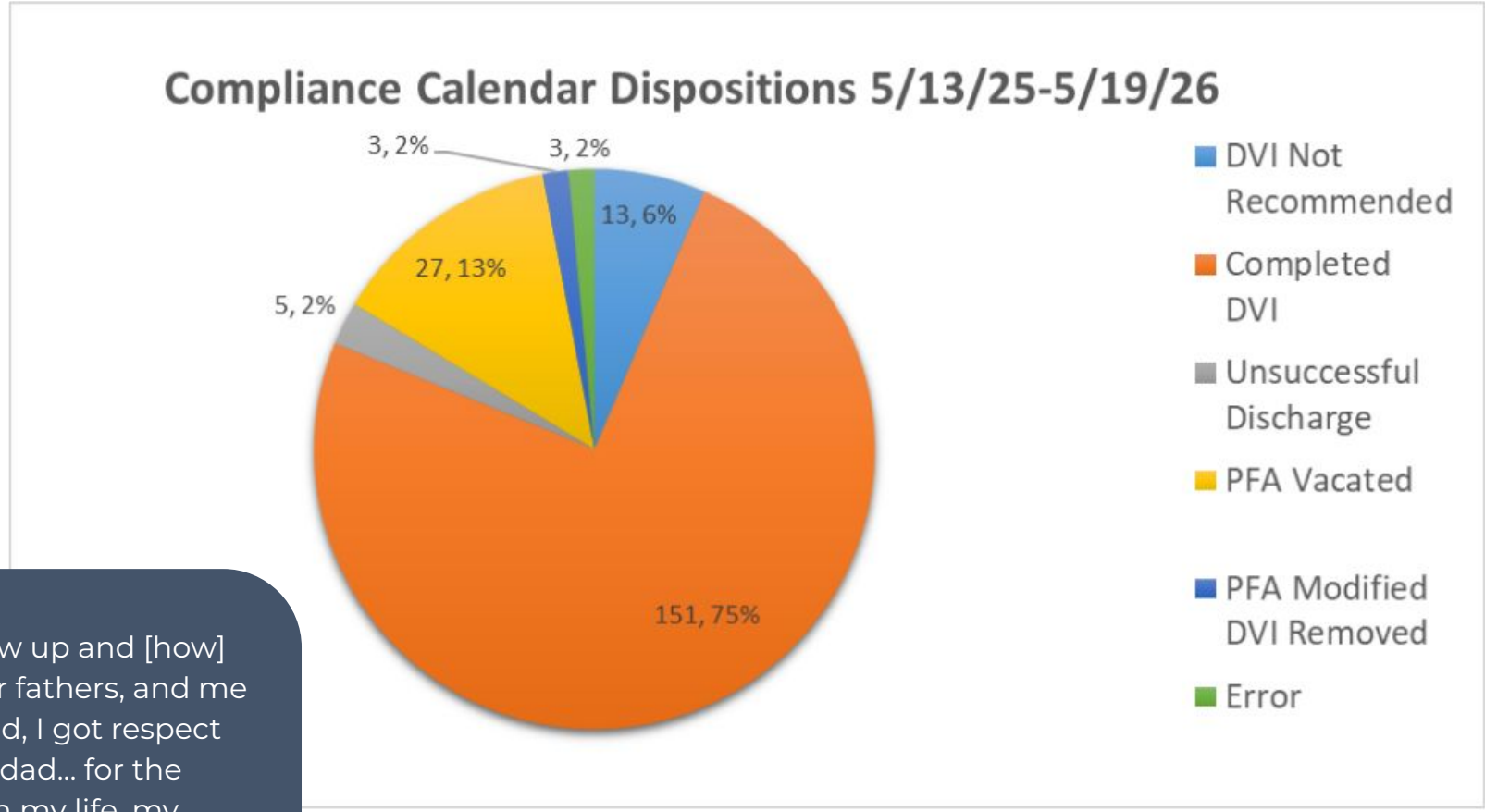
Litigant responses corroborated by DVI provider present in the courtroom

PFA Compliance Coordinator testifies to litigant contact and other Family Court documented matters

Compliance Calendar

"I was being selfish (I'll put it like that) and not taking initiative in understanding everybody else's feelings around me...it actually changed my whole life around, the bond between me and my children got better...helped with work, the family I haven't talked to, it's gotten better" (2026 New Castle County).

"We were talking about how we grew up and [how] our emotions connected us with our fathers, and me personally, I put on that I love my dad, I got respect for my dad, and I'm ashamed of my dad... for the simple fact of, yeah my dad's been in my life, my dad's been in and out of my life, but at the end of the day I've seen my dad do things that I'm not proud of that I've picked up on, that I do myself today that I'm ashamed of" (2026 Kent County).



Compliance Calendar

Sanctions:

Capias for FTA

PFA extension

Order of appearance

Moved to contempt docket

Fines

Incarceration

Rewards:

Virtual hearings

Order of appearance

Less frequent appearances

PFA naturally expires

Finding of Civil Contempt of the PFA on the Compliance Calendar

During Rule to Show Cause hearing, litigant could be found in contempt for noncompliance

Permanent record of finding of contempt

Can be found in civil contempt multiple times, therefore the order for evaluation/ recommended treatment does not “end” once civil contempt finding is made

Criminal Violations & Contempt: Law Enforcement Response

Cpl/2 Andrea Warfel, *Delaware State Police*

Criminal Violations & Contempt: Law Enforcement Response

When your client is granted a PFA, call 911 and ask for that PFA to be served.

By calling 911, it will prevent multiple calls trying to determine jurisdiction.

Once a PFA has been served and it shows in CJIS as being served, a subject can then be arrested for violation of PFA.

Again, this can be reported by calling 911.

Criminal Violations & Contempt: Police-Based Victim Services

Veronica Colombo, *Director of Victim Services, Delaware State Police Victim Services*

Civil Violations & Contempt

Joanna Kauffman, *Domestic Violence Coordinator, Family Court of the State of Delaware*

Civil Violations & Contempt

A **civil contempt** can arise when someone knowingly violates a Protection From Abuse Order issued by the Family Court.

Civil contempts are distinctly different than criminal contempts and can carry different penalties.

Civil and criminal contempts may be moving through the systems simultaneously.

Civil Violations & Contempt

If a petitioner believes that a respondent has violated a provision within the PFA order, the petitioner may contact law enforcement

or

file a civil contempt motion (form 457) with Family Court. Once the motion is filed, a hearing will be scheduled to determine whether a violation occurred.

Civil Violations & Contempt

For violations related to safety, contact law enforcement.

For ancillary violations, file a motion of contempt with Family Court.

What questions do you have for the presenters?



Submit questions in the chat

Reminder: please do not submit case specific, confidential situations in the chat! This is a recorded webinar that will be available widely after today.