

DELAWARE

NONEMERGENCY LETHAL VIOLENCE PROTECTION ORDERS

A GUIDE TO THE PROCESS



Bloomberg American
Health Initiative

Information on this website does not constitute legal advice. Every factual situation is unique; if you want legal advice specific to your particular circumstances, please consult knowledgeable counsel.

DELAWARE

Nonemergency Lethal Violence Protective Order Process

Authorized petitioners in Delaware include:

- Family members (including a current or former spouse, parent, child, or stepchild of the respondent, any other person related by blood or present marriage to the respondent, a person who has a minor child in common with the respondent, or a person who shares a common dwelling with the respondent)
- Persons in a current or former dating relationship with the respondent
- Law enforcement

FILE A NONEMERGENCY LETHAL VIOLENCE PROTECTIVE ORDER (LVPO) PETITION

During court hours, petitioner goes to the Superior Court where the respondent lives, and files a petition explaining why the respondent poses a danger of causing physical injury to self or others.

SERVE NOTICE OF THE NONEMERGENCY LVPO HEARING

The respondent receives notice of the Nonemergency LVPO hearing.

PROCEED WITH NONEMERGENCY LVPO HEARING

Within 15 days of the petition being filed, the Superior Court will decide if there is clear and convincing evidence that the respondent poses a danger of causing physical injury to self or others by controlling, owning, purchasing, possessing, having access to, or receiving a firearm.

NONEMERGENCY LVPO ISSUED

If the respondent is present at the hearing, the court will serve the respondent with a certified copy of the order.

A Nonemergency LVPO is in effect for up to 1 year.

COMPLY WITH LVPO AND DISPOSSESS FIREARMS

When a Nonemergency LVPO is issued, the respondent must surrender any firearms or ammunition. The court may allow the respondent to voluntarily relinquish firearms or ammunition to law enforcement or a designee of the respondent.

(The court may order law enforcement to search and seize firearms and ammunition, and may prohibit the respondent from residing with another individual who owns, possesses, or controls firearms or ammunition.)

TERMINATE OR RENEW NONEMERGENCY LVPO

The respondent may request one termination hearing. A petitioner may request renewal of a Nonemergency LVPO at any time within 3 months before the expiration of an LVPO.

RETURN FIREARMS

When the Nonemergency LVPO expires or is terminated, law enforcement will return firearms and ammunition to the respondent when the LVPO is terminated or expired if the respondent may lawfully possess firearms.