



STATE OF DELAWARE
THE JUSTICE OF THE PEACE COURT


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ALAN G. DAVIS
CHIEF MAGISTRATE

POLICY DIRECTIVE 19-262 (1ST SUPPLEMENT)

**TO: ALL JUSTICES OF THE PEACE
ALL JUSTICE OF THE PEACE EMPLOYEES**

**FROM: ALAN G. DAVIS
CHIEF MAGISTRATE** 

DATE: SEPTEMBER 9, 2025

**RE: TRANSFER OF DELINQUENT CIVIL VIOLATION CASES
TO OSCCE FOR COLLECTIONS**

SCOPE

This supplement adds the option for a judge to order transfers of unpaid Title 16 civil violation cases to the Office of State Court Collections Enforcement (OSCCE) for additional efforts for collection. In addition, unpaid civil penalties and costs from any camera violations, including Red-Light cases, Speed Camera cases, Block the Box Camera cases, Truck Monitoring Camera cases, and any future civil camera violation cases may also be transferred to OSCCE.

JUSTICE OF THE PEACE COURT POLICY

Judges shall apply an individualized analysis and be proactive in expediting stand-alone civil violation cases with unpaid penalties and costs to final disposition by:

- 1) Ordering the defendant to work referral when appropriate; and
- 2) Transferring the outstanding financials to OSCCE when the defendant has not paid according to a judicially-ordered payment plan and has not appeared or has not finished the work referral as ordered.

POLICY DIRECTIVES AFFECTED

PD 19-262 is affected as delinquent penalties and costs from Red-Light Camera civil violation cases may now be transferred to OSCCE.

EFFECTIVE DATE

This policy is effective beginning September 9, 2025

DISCUSSION

Cases with unpaid stand-alone civil violations often end up languishing in file cabinets in court locations because capiases cannot be issued for the defendants. A consequence of this is that judges are unable to address the failures to pay unless the defendants come before the Court on other matters. But once a defendant is present before the judge on another matter, the judge can order the defendant to work referral when appropriate to do so, thus moving the case along the path toward final disposition.

The number of cases eligible for transfer to OSCCE is not expected to overwhelm OSCCE's resources at any one time for the following reasons:

- 1) Defendants with unpaid stand-alone civil violations will only sporadically come before the Court in response to another case;
- 2) The judge may determine that a new time-to-pay plan would be more appropriate for a defendant than an order to work referral; and
- 3) The judge may determine that an additional order to work referral (when the defendant has not appeared or completed work referral) would be more appropriate for a defendant than a transfer to OSCCE.

OSCCE will attempt to collect any outstanding civil penalties and costs for 2 years, regardless of the delinquent amount. At the conclusion of that time, if OSCCE is not actively receiving payments, OSCCE will send a "Cost Closure Report" to the Justice of the Peace Court that the case is uncollectable and recommend that the balance of fees be deemed by the judge to be uncollectable. OSCCE defines "actively receiving payments" as payment from or contact with the defendant in the last 90 days. As long as OSCCE is successfully collecting, there is no time limit for their collection efforts.

OSCCE does not write off or suspend any financials for civil citation cases and the cases are not reported to credit agencies. In addition, OSCCE will attempt collections from corporations, just as it does from individuals.

The clerk will give OSCCE's "Cost Closure Report" to a judge for approval to close the case. The judge has the discretion to deem the balance uncollectable and close the case with a charge-off of all financials or to order a continuation of collection attempts by the Court. The clerk returns the "Cost Closure Report" with the judge's decision to OSCCE.

MAIN POINTS

- This Policy Directive applies to cases with either Title 16 or Title 21 stand-alone civil violations (charges that are not civil violations are not included in the case).
- Defendants with stand-alone civil violations cannot be charged with civil contempt.¹
- FTP capiases cannot be issued for defendants with un-paid stand-alone civil violations.
- Cases with un-paid stand-alone civil violations **can** be sent for collections to OSCCE,² but only after the judge has ordered the defendant to work referral **and** the record shows that the defendant has failed to appear or complete work referral.

PROCEDURE

JUDGES

- Judges should order defendants with un-paid stand-alone civil violations to the Work Referral Program after the defendants have failed to comply with two or more payment plans, unless the judge determines that another time-to-pay plan for the defendant is in the interest of justice. A failure to pay an original default judgment by the payment due date may be considered by the judge to be the first failure to comply.

¹ 11 Del. C. § 4105(b)(9). "For any offense in which the penalty is civil, a court may order a person to report to the Commissioner of the Department of Correction, or a person designated by the Commissioner, for work under this subsection and consistent with the procedures of this subsection until the civil penalties and costs are discharged. Notwithstanding paragraph (b)(7) of this section, a person's failure to participate in work ordered under this paragraph is not punishable as contempt of court. A person's failure to participate in work ordered under this paragraph may result in the transfer of the judgment to the Office of State Court Collections Enforcement to be collected according to § 4104 of this title."

² Justice of the Peace Court Civil Violations Rule 10. "Prior to transfer to the civil judgment docket resulting from an adjudication of responsibility for a civil penalty, the Justice of the Peace Court may, but not obligated to, attempt collection efforts using the processes available through the Office of State Court Collections Enforcement (OSCCE). If collection efforts are initiated by the Court through OSCCE, transfer of the judgment to the civil docket shall be delayed for a period of time not to exceed 2 years from the date of the finding of responsibility."

- After a judge has ordered the defendant to the Work Referral Program **and** the court receives a report or notice from the Work Referral Program's office that the defendant has failed to appear or failed to complete work referral, the judge may order that the unpaid financials be transferred to OSCCE, without the presence of the defendant.
- The judge will ask a clerk to process a "Transfer to OSCCE" Order, sign the Order, and return the Order to the clerk.

CLERICAL STAFF

- Clerks will follow the process delineated in "Transfer to OSCCE for Collection (Civil Violation Case)". A copy of these Clerical Instructions, with applicable forms, is attached.

Cc: Hon. Collins J. Seitz, Jr.
 Hon. Kathaleen S. McCormick
 Hon. Eric M Davis
 Hon. Carl Danberg
 Hon. Michael K. Newell
 Alderman's Courts
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 Elizabeth Petrick, Justice of the Peace Court Administrator
 Stephanie Parker, Justice of the Peace Deputy Court Administrator
 Rebecca Trifillis, Justice of the Peace Court Staff Attorney
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