



STATE OF DELAWARE  
**THE JUSTICE OF THE PEACE COURT**

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ALAN G. DAVIS  
CHIEF MAGISTRATE

## **POLICY DIRECTIVE 26-274**

**TO: ALL JUSTICES OF THE PEACE**

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

**DATE: JANUARY 29, 2026**

**RE: SHIELDING OF EVICTION-RELATED COURT RECORDS  
PURSUANT TO 25 DEL. C. § 5720**

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### **1. Introduction and Purpose**

This Policy Directive implements Delaware Code Title 25, Section 5720, establishing uniform procedures within the Justice of the Peace Court for shielding eviction-related court records arising from summary possession proceedings. The purpose of this directive is to ensure timely and consistent identification, processing, shielding, and dissemination controls for records subject to shielding, and to provide clear notice to litigants regarding the scope and effect of shielding orders, in furtherance of statutory requirements and the fair administration of justice.

### **2. Scope**

This directive applies to:

- a) All Justice of the Peace Court personnel involved in the intake, docketing, adjudication, records management, and public access functions for summary possession cases.
- b) All records associated with summary possession proceedings within the Justice of the Peace Court, including case dockets, pleadings, motions, orders, judgments, exhibits, audio recordings, transcripts, and electronic case data.
- c) All public access channels maintained by or on behalf of the Court, including telephone inquiries, electronic case access portals, and responses to records requests.

### **3. Definitions**

For purposes of this directive:

- a) Summary Possession means a landlord-tenant proceeding seeking possession of residential premises pursuant to Delaware landlord-tenant law, commonly referred to as an eviction action.
- b) Shielding or Shielded means restricting public access to specified court records such that the records are not available for public inspection or disclosure, whether in person, by mail, by telephone, electronically, or by bulk data access, except to persons and entities authorized by statute or court order.
- c) Shielding Order means an order, directive, or notation issued by the Court pursuant to 25 Del. C. § 5720 requiring that designated eviction-related case records be shielded from public access.
- d) Eviction-Related Court Records means all records and docket information associated with a summary possession case, including any ancillary filings tied to the same case number.
- e) Public Access means access available to any member of the public without need for a court order or statutory authorization.
- f) Authorized Access means access permitted by statute, rule, or court order, including access by parties of record, counsel of record, and other entities expressly permitted under law.

### **4. Policy**

Eviction shielding allows certain summary possession actions to be removed from public view. A tenant may apply to the Court in which the action was filed for an order shielding the record when the following requirements are met:

- The judgment against the tenant was a judgment on the merits, a default judgment, or a stipulated judgment, 5 or more years have passed since the judgment was entered, the tenant has satisfied any monetary award included in the judgment, and the tenant has had no other similar judgments within 5 years of the tenant's motion to shield.
- The parties resolved the action through a stipulated agreement, and the tenant has complied with the terms of the stipulated agreement.
- The landlord withdrew the complaint.
- The Court dismissed the landlord's complaint.
- The final judgment was in favor of the tenant.
- The landlord and tenant have agreed to the shielding.
- The shielding of the record is clearly in the interests of justice.

A party may move to have eviction records shielded by filing Civil Form 85, along with any supporting documents. Only Judicial Case Processor IIIs or higher are authorized to perform the processing of requests to shield eviction records. If the Court determines the case is eligible for shielding, the Court will issue an Order shielding the record of the action and setting aside the original judgment, if a judgment was entered.

Within 45 days of the Court's entry of an Order to shield an eviction, The Court will do all the following:

- (1) Provide the tenant with written notification of the shielding and a certified copy of the records being shielded.
- (2) Provide the tenant with written notification that the records being shielded will no longer be accessible to the public through the Delaware court system.
- (3) Remove the record of the action from all of the Court's databases or systems that are publicly accessible.
- (4) Ensure that all physical or electronic records held by the Court that are associated with the action are stored in such a way as to be permanently inaccessible to the public except as provided for below.

Shielded records will only be disclosed if one of the following occurs:

(1) The records are requested by the Department of Justice, which must maintain the confidentiality of the records.

(2) The records are requested by the tenant.

(3) The Court considers publication in the public interest and redacts or otherwise obscures the tenant's name, personal information, and the address of the property for which summary possession was sought.

Actions will only be shielded after the Court has issued a final Order and the appeal period has ended. If the request for shielding is based on a stipulated agreement, the case will only be shielded once the tenant has fully complied with all terms of the agreement (or if breached, the stipulated judgment has been entered, 5 or more years have passed since the judgment was entered, the tenant has satisfied any monetary award included in the judgment, and the tenant has had no other similar judgments within 5 years of the tenant's motion to shield). A court action will not be shielded while a stipulated agreement is pending. Shielding of an action is a permanent change, and will not be undone as a regular procedure or at the request of a party.

Notice to opposing party in the action being shielded is not necessary. However, Judges are encouraged to schedule a hearing to obtain input from the opposing side at their discretion, particularly when a request for shielding is made 'in the interests of justice'. This ensures that all perspectives are considered before a decision is made.

A report of shielded cases will be maintained by the Court administration on a shared drive and updated monthly. Judges should consult this repository before citing to cases to confirm the case is not shielded. If a judge wishes to cite a shielded case, he or she should redact the tenant's name, personal information, and the address of the property for which summary possession was sought, and attach a redacted copy of the order to the decision citing the case.

When an action is shielded, the clerk will search the Delaware Courts website to determine if the case was published. If the shielded case was published, the clerk will notify the staff attorney to redact and re-publish the case. The staff attorney will take appropriate action to notify a higher court, if the matter has been taken to a higher court.

Audio recordings of cases will not be available to the public, including the parties, once the case is shielded.

cc: Honorable Collins J. Seitz, Jr.

Honorable Eric M. Davis

Honorable Kathaleen S. McCormick

Honorable Carl C. Danberg

Honorable Michael K. Newell

Gayle P. Lafferty, State Court Administrator

All Justice of the Peace Courts

Elizabeth Petrick, Justice of the Peace Court Administrator

Stephanie Parker, Justice of the Peace Deputy Court Administrator

Rebecca Trifillis, Esquire, Justice of the Peace Court Staff Attorney

Nathan E. Kingree, Justice of the Peace Court Staff Attorney

Law Libraries, NCC, Kent and Sussex County

Widener School of Law (mailing address: Delaware Campus, 4601 Concord Pike,  
Wilmington, DE 19803

JUSTICE OF THE PEACE COURT OF THE STATE OF DELAWARE  
IN AND FOR \_\_\_\_\_ COUNTY  
COURT NO \_\_\_\_\_

COURT ADDRESS:

CIVIL ACTION NO. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

PLAINTIFF(S):

VS.

DEFENDANT(S):

Name \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone \_\_\_\_\_

Phone \_\_\_\_\_

**CERTIFIED COPY OF DOCKET ENTRIES**

I HEREBY CERTIFY that the attached is a true and exact copy of the docket entries of this Court in this case. In witness whereof I hereto set my hand and affix the seal of the Justice of the Peace Court, State of Delaware.

This is to certify that this is a true and correct transcript of the docket entries.

\_\_\_\_\_  
Justice of the Peace/Court Official

Date: \_\_\_\_\_

JUSTICE OF THE PEACE COURT OF THE STATE OF DELAWARE  
IN AND FOR \_\_\_\_\_ COUNTY

COURT NO \_\_\_\_\_

COURT ADDRESS:

CIVIL ACTION NO. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

PLAINTIFF(S):

VS.

DEFENDANT(S):

Name \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Phone \_\_\_\_\_

**ORDER ON REQUEST FOR SHIELDING OF RECORD**

The Court has reviewed the application for shielding of record filed by  
\_\_\_\_\_ and directs:

- REQUEST TO SHIELD IS APPROVED. The requesting party's application has met the requirements for shielding under 25 Del. C. §5720, and therefore this case has been shielded from public view. The original judgment, if applicable, has been set aside and this court action is deemed not to have been filed. A certified copy of the record being shielded is hereby attached.
- I HEREBY CERTIFY that the attached is a true and exact copy of the docket entries of this Court in this case. In witness whereof I hereto set my hand and affix the seal of the Justice of the Peace Court, State of Delaware.

IT IS SO ORDERED THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Justice of the Peace

- REQUEST TO SHIELD IS DENIED: The requesting party's application does not meet the required criteria pursuant to 25 Del. C. §5720, and/or the requesting party has not demonstrated that it is in the interests of justice for the matter to be shielded. Reason for denial:

\_\_\_\_\_  
\_\_\_\_\_

IT IS SO ORDERED THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Justice of the Peace

JUSTICE OF THE PEACE COURT OF THE STATE OF DELAWARE  
IN AND FOR \_\_\_\_\_ COUNTY

COURT NO \_\_\_\_\_

COURT ADDRESS:

CIVIL ACTION NO. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

PLAINTIFF(S):

VS.

DEFENDANT(S):

Name \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone \_\_\_\_\_

Phone \_\_\_\_\_

**REQUEST FOR SHIELDING OF RECORD**

I am requesting a judgment against me be shielded based on the following (select one or more):

- \_\_\_\_\_ (1) The judgment against the tenant was a judgment on the merits, a default judgment, or a stipulated judgment, 5 or more years have passed since the judgment was entered, the tenant has satisfied any monetary award included in the judgment, and the tenant has had no other similar judgments within 5 years of the tenant's motion to shield.
- \_\_\_\_\_ (2) The parties resolved the action through a stipulated agreement, and the tenant has complied with the terms of the stipulated agreement.
- \_\_\_\_\_ (3) The landlord withdrew the complaint.
- \_\_\_\_\_ (4) The Court dismissed the complaint.
- \_\_\_\_\_ (5) The final judgment was in favor of the tenant.
- \_\_\_\_\_ (6) The plaintiff and defendant have agreed to the shielding. (Attach a copy of the written agreement)
- \_\_\_\_\_ (7) The shielding of the record is clearly in the interests of justice. Explain why:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of requesting party

\_\_\_\_\_  
Date of request