

DELAWARE VDA DECISION TREE

Should Company File Delaware VDA?

YES

If Company meets **any** of the following:

1. Incorporated in DE (or)
2. HQ in DE (or)
3. Maintain significant business in DE (or)
 - Customers
 - Vendors
 - Employees
4. Never filed escheat returns in DE (or)
5. Filed little or \$0 escheat amount to DE (or)
6. Filed previous DE VDA but have additional entities or property to report for legacy or current periods (or)
7. Completed previous DE audit but have additional entities or property types to report for legacy or current periods (or)
8. Acquired DE entities

**File DE VDA-1 Form (by 12/31/16)
(1/1/17 and after)**

**Perform VDA Record
Review & Analysis**

**Perform VDA Remediation, Due Diligence
& Exposure Quantification**

Perform VDA Negotiation and Settlement

**File VDA - 2 Form
(within 2 years of filing DE VDA-1 Form)**

- (a) State waives right to audit
- (b) No penalty
- (c) No interest

(d) Assessment limited to 1996 (if filed by 12/31/16)

**Assessment limited to 19 years prior to filing year
(if filed 1/1/17 and after)**

NO

If Company meets **any** of the following:

1. Not incorporated in DE (or)
2. Incorporated or formed in last 5 years (or)
3. Certain bankruptcy filings (or)
4. Already under DE audit (or)
5. Filed DE VDA prior to 7/1/12 (or)
6. Withdrew or Removed from DE SOS VDA

Next steps:

1. Prospective compliance
2. Policies and procedures
3. Evaluate VDA filings in other states where incorporated or maintain:
 - Customers
 - Vendors
 - Employees

It should be noted that DE VDA filings will depend on each organizations facts and circumstances in consultation with internal legal counsel and other corporate members. The above outline is a general outline that most companies can utilize as a general guide to address their own independent decision analysis. See DE S.B. 141 for additional information. DE VDA program is administered by Delaware Secretary of State.

Should you have any questions regarding the decision tree, please contact Joseph Carr, BDO USA, LLP National Unclaimed Property Practice Leader at 312-616-3946 or jcarr@bdo.com



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