

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 (customers, vendors, employees) (or)
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

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 plus time extensions granted)

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

Assessment limited to 10 report years

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 in last 5 years
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 significant number of:
 - ▶ Customers
 - ▶ Vendors
 - ▶ Employees

It should be noted that DE VDA filings will depend on each organization's facts and circumstances in advising 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 VDA [website](#) for additional information. DE VDA program is administered by Delaware Secretary of State.