



MOTIONS

FAMILY COURT OF THE STATE OF DELAWARE

<https://courts.delaware.gov/family>

Related Forms

Form 191 - Motion

Form 192 – Notice
of Motion

Form 193 – Order

Form 240 –
Information Sheet

All forms can be found on
the Family Court
Website at

<https://courts.delaware.gov/family>

Family Court Contact Information

New Castle County

Leonard L Williams
Justice Center
500 N. King Street
Wilmington, DE 19801
302-255-0300

Kent County

Family Courthouse
400 Court Street
Dover, DE 19801
302-672-1000

Sussex County

Family Courthouse
22 The Circle
Georgetown, DE 19947
302-855-7400

PLEASE NOTE! A Motion may only be filed if there is an underlying Petition pending. Therefore, if you have not filed a Petition, you must do so before you may file a Motion.

Please also note in most cases, a generic Motion (Form 191) can be filed; however, the Court provides a Form of Motion for a number of matters. Please see the list of specific Motions on the second page of this FAQ.

What is a Motion?

A motion is a way to request that the Court take a specific action in a case or grant specific relief in a case.

Who can file a Motion?

Any party to a case may file a Motion. A person who is not a party to a case, but believes that they should be a party, may file a Motion requesting that they be added as a party to the case.

What forms do I need to file?

If using the generic Motion, (Form 191), you must file the following forms:

- **Motion (Form 191)** (states the relief that you are requesting and the facts explaining why the Court should grant your request.)
- **Notice of Motion (Form 192)** (Notifies the other party that you have filed a motion.)
- **Order (Form 193)** (Prepared by you, it states the relief you are seeking. Be sure to include all the relief which you seek as the Hearing Officer may decide to sign the order as filed.)
- **Information Sheet (Form 240)** (Updates your information with the Court.)

Where do I file my Motion?

You should file your Motion in the county where the underlying petition was filed.

How can I file my Motion?

You can file in person at the Resource Center in any Family Court building, you can file by mail, or you can file by email. Family Court does not accept filings by fax.

Is there a filing fee?

A filing fee is charged for any Motion filed under Family Court Rule of Civil Procedure 60(b) and a Motion to Reopen. All other motions may be filed free of charge. For a list of filing fees visit the Family Court website <https://courts.delaware.gov/family/payment.aspx> for a Schedule of Assessed Costs.

What email address do I use to file a motion?

To file by email, you must send the motion and required forms to the appropriate case type email address:

- Custody and Visitation Cases: FC_CustodyVisitation@delaware.gov
- Divorce and Ancillary Cases: FC_DivorceAncillary@delaware.gov
- Protection from Abuse Cases: FC_PFA@delaware.gov
- Guardianship Cases: FC_Guardianship@delaware.gov
- Child Support Cases: FC_ChildSupport@delaware.gov
- Termination of Parental Rights, Adoption, and Dependency/Neglect Cases:
FC_CDN_TPR_Adoption@delaware.gov
- Adult and Juvenile Expungement Cases: FC_Expungement@delaware.gov
- Substantiation Cases: FC_Substantiations@delaware.gov
- Minor Name Change Cases: FC_MNC@delaware.gov

Form more information on filing by email, please review the Civil Filing by Email FAQ:
<https://courts.delaware.gov/family/faqs>.

How does the other party receive a copy of my Motion?

You must mail an exact copy of your Motion to the Other Party. You must do this prior to, or at the same time that you file your Motion with the Court. On the Motion Form, you will complete an Affidavit of Mailing. By signing this in the presence of a Notary Public or Court Clerk, you are attesting that you placed a copy of the Motion in the mail.

How long will it take for me to receive a decision?

After receiving a copy of your Motion, the other party will have 10 days in which to file a response with the Court. The court will wait this length of time to make a decision to ensure that the Other Party has had the time allotted to them.

Based upon this time requirement, if you are filing a Motion that relates to a hearing date, such as a Motion for Continuance, you want to be sure and file at least 13 days prior to the hearing date to allow time for the Other Party to respond.

What are the form numbers and names of the specific Form of Motions?

1. 99P Alternative Dispute Resolution
2. 98P Alternative Dispute Resolution Practitioner
3. 650 Motion and Affidavit for Emergency Ex Parte Order
4. 651 Motion and Affidavit for Priority Scheduling
5. 652 Motion and Affidavit for Interim Relief
6. 198DN Motion and Affidavit to be found Indigent and Request for Appointment of an Attorney in Dependency Neglect Proceedings.
7. 194 Motion for Appointment of a Guardian Ad Litem for a Minor Litigant
8. 470 Motion for Confidential Address
9. 457 Motion for Contempt of Order of PFA
10. 196 Motion for Continuance
11. 197 Motion for Dismissal
12. 261 Motion for Temporary Visitation
13. 253 Motion to Contest and Administrative Adjustment
14. 456 Motion to Modify, Extend or Rescind Order of Protection from Abuse
15. 191SOR Motion to Review Sex Offender Registration
16. 254 Motion to Revoke Child Support