



FAQ CONFIRMATION HEARING

FAMILY COURT OF THE STATE OF DELAWARE

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

Related Forms

Form 448EA – Expedited Answer to Divorce

Form 499EA – Expedited Generic Answer

329EA – Expedited Answer to Petition for Child Support

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 19901
302-672-1000

Sussex County

Family Courthouse
100 East Market St.
Georgetown, DE 19947
302-855-7400

1. Why am I receiving these papers?

A petition has been filed in Family Court naming you as either a Petitioner or a Respondent. A Confirmation Hearing has been scheduled for the date and time on the attached notice. All parties to the petition have been sent copies of the notice. The hearing will be conducted remotely by Zoom.

2. What is a Confirmation Hearing?

A Confirmation Hearing is NOT a full hearing on the underlying petition. Its purpose is to confirm that the Respondent has received the summons and petition, and that the Respondent's contact information is correct. Both the Petitioner and Respondent are required to appear, however, the hearing will be cancelled if the Respondent files an answer or entry of appearance (EOA) supplying that information.

3. What if the Respondent files an Answer or Entry of Appearance?

If you are the Petitioner and receive a copy of the Respondent's Answer or Entry of Appearance (either from the Court or the Respondent) before the Confirmation Hearing, then you should not appear for the hearing. If an answer or EOA is filed very close to the hearing date, then the Petitioner will be excused from the hearing shortly after logging in.

4. Do I need to appear in person?

No. It is a remote appearance using the Zoom teleconferencing app. The information you need to log into Zoom is on the second page of your notice. You should log in at least 15 minutes early. If you prefer to appear in person or do not have sufficient access or familiarity with the technology, you may appear in person.

5. What if I cannot attend the Confirmation Hearing?

A Respondent who is unable to appear should file an Answer or Entry of Appearance. This may be done using the QR code located on the notice, through the Family Court website, or in-person at any Family Court building. A Petitioner who cannot appear should contact the Family Court at (302) 255-0300 and provide any information they have on the Respondent's current whereabouts and confirm their own contact information. A Petitioner who is a client of the Division of Child Support Services (DCSS) should contact DCSS.

6. I have an attorney. Does my attorney have to attend the Confirmation Hearing?

Attorneys are not required to attend Confirmation Hearings. But you should discuss this matter with your attorney.

7. How long will the Confirmation Hearing take?

The hearing itself may be very brief but you should expect to be occupied for 20 to 60 minutes depending on the volume of attendees assigned to your particular time slot. There are numerous cases scheduled in the same time slot, so please be patient in the Zoom waiting room and do not log off until you have been excused by staff or the hearing officer.

8. What if I do not have Zoom on my device or need more information about the technology?

Helpful Zoom instructions and materials can be found on the Family Court webpage located at <https://courts.delaware.gov/family/zoom.aspx>. If you need a computer or internet access, and you have a library card, you can borrow a Chromebook laptop and a Wi-Fi hotspot for free! Additional information may be found at <https://courts.delaware.gov/family/docs/LibraryFlyer.pdf>. If Zoom is unavailable, Petitioners or Respondents do have the option of appearing in person if they are not able to connect through Zoom.

9. What do I need to bring to the Confirmation Hearing?

Parties should provide updated contact information for themselves such as home and email addresses, and cell phone numbers. Petitioners should also bring any contact or location information they have for the Respondent in the event the Respondent does not appear and has not filed an answer or EOA.

10. I have witnesses and other evidence. May I bring them to the Confirmation Hearing?

No, a Confirmation Hearing is not an evidentiary hearing on the underlying petition and the Commissioner will not hear testimony or consider evidence. The Confirmation Hearing is held to confirm the Respondent's receipt of the petition, which is a necessary step in the process. The hearing will not discuss the merits of the case. Witnesses and evidence are not required.

11. What happens if Respondent's receipt of the summons and petition is confirmed?

If Respondent appears for the hearing or files an answer or EOA, then the Petition will move forward. In a child support, paternity or minor name change case, that means being scheduled for a Mediation Conference or a Commissioner's Hearing. For custody, visitation or guardianship, this means being scheduled for a Mediation Conference or referred to a Judge to schedule a Case Management Conference. For divorce it means being assessed for trial readiness depending on whether the period of separation has passed (if applicable), and parent education has been confirmed (if applicable).

12. What happens if Respondent's receipt of the summons and petition is NOT confirmed?

If Respondent does not appear and does not file an answer or EOA, then the court will determine the next steps. For DCSS child support cases, the petition will be returned to DCSS for further investigation. In all other case types, the Petitioner will be advised of the availability of certified mail for service, the hiring of a special process server, or, in some case types, publication. If the Petitioner provides new address information, mailing will be reattempted and a new Confirmation Hearing scheduled. After each Confirmation Hearing, an Order will be issued detailing next steps. If a petition has been pending for more than 6 months without providing legal notice to the respondent, then it may be dismissed.

13. Can I reschedule the Confirmation Hearing?

It is uncommon for a Confirmation Hearing to be rescheduled. A Respondent seeking a continuance would have to supply their contact information which would constitute an entry of appearance (EOA). Therefore, they may choose to file an answer at <https://courts.delaware.gov/family/answer.aspx>. Rescheduling upon request of the Petitioner is unlikely due to the possibility that Respondent will appear for the Confirmation Hearing. Nevertheless, either party may request a "continuance" by completing the Form 196- Motion for Continuance, available on the Family Court website.

14. Will there be an interpreter if I need one?

Yes. If the Court knows that a foreign language or ASL interpreter is required, an interpreter will be provided for the hearing.

15. Can I request a copy of what was said or decided at the Confirmation Hearing?

Yes, a copy of the Confirmation Hearing Order will be sent to the parties.

16. What if I have a disability and need an accommodation?

Accommodation requests are granted to any qualified person with a disability for whom such an accommodation is reasonable and necessary under the Americans with Disabilities Act. The requesting party should request an accommodation as far as possible in advance of your court appearance. Additional information is located at <https://courts.delaware.gov/aoc/ada.aspx>.