



# RESCINDING GUARDIANSHIP

FAMILY COURT OF THE STATE OF DELAWARE

<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  
22 The Circle  
Georgetown, DE 19947  
302-855-7400

**All Family Court Forms, FAQs, Filing Instruction Packets, and additional information can be found on the Family Court Website at:**  
<https://courts.delaware.gov/family>

## What can a parent file to have an Order giving another person guardianship over his or her children rescinded?

If the Family Court has jurisdiction (see Guardianship Instruction Packet for a discussion on the Family Court's jurisdiction), a parent may file a Petition to Rescind Guardianship (Form 126R) with the Family Court.

## How will the Court decide whether to grant my Petition?

A parent must show that the reasons the guardianship was established no longer exist. Once a parent has made this showing, the Court will rescind the guardianship, unless

1. the guardian shows by a preponderance of the evidence that the child will be dependent, neglected, or abused in the care of the parent seeking rescission

OR

2. the guardian shows by clear and convincing evidence that the child will suffer either physical or emotional harm if the guardianship is terminated.

## How can I file my petition and related paperwork?

Petitions and papers may be filed at or mailed to the Family Court in each county. Family Court also now accepts petitions and papers by email. To file your petition by email, you must send the petition and all required forms to: [FC\\_Guardianship@delaware.gov](mailto:FC_Guardianship@delaware.gov)

- Please see the below list for the forms that must be filed with your petition. Family Court will serve the other parties your petition.

You may also use [FC\\_Guardianship@delaware.gov](mailto:FC_Guardianship@delaware.gov) to file with the Court answers, motions, and any other required papers. Although you can file these documents with the Court by email, you must still serve copies of these documents on the other parties personally or by mail.

**\*\*Before filing by email, please review the Civil Filing by Email FAQ:**

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

## Required Forms

- [Petition to Rescind Guardianship](#) (Form 126R)
- [Information Sheet](#) (Form 240)