

**The Family Court of the State of Delaware
The Next Steps in Your Delinquency or Criminal Matter**

IF THE DEFENDANT IS AN ADULT

It has been alleged that the defendant has committed a criminal offense which falls within the jurisdiction of the Family Court of The State of Delaware. He or she has been arrested and has appeared before a magistrate at a Justice of the Peace Court to determine the amount of bond and establish specific bond conditions, such as no contact with the alleged victim. If the defendant has been committed on a secured or cash bail, the next step is a BAIL REVIEW. If the defendant has not been committed, the next step in the resolution of this matter will be an ARRAIGNMENT. At this time, most hearings are being conducted remotely. **Please provide your contact information immediately by visiting this webpage: <https://courts.delaware.gov/family/remotehearing> or call 302-255-0300 and press option 6.**

AS WITH ANY CRIMINAL PROCEEDING BEFORE THE FAMILY COURT, A DEFENDANT HAS THE RIGHT TO BE REPRESENTED BY AN ATTORNEY IF SO DESIRED. If you feel that you cannot afford to hire an attorney, immediately contact the Office of Defense Services in New Castle County at (302) 255-0130, in Kent County at (302) 739-4476, or in Sussex County at (302) 856-5310.

For Juveniles & Adults:

An ARRAIGNMENT is a formal hearing at which a respondent/defendant accused of a crime is brought before the Court to plead to the charges against him/her. The respondent/defendant is made aware of the charges, his/her legal rights and, at this time, may enter a plea of guilty or not guilty before the Court.

All parties who must attend the arraignment are notified in writing with a subpoena or notice by the Court. If there are victims in the case, they are notified, but they are not required to attend the hearing unless otherwise noted on their subpoena/notice. Family Court has two types of hearing officers; Commissioners and Judges. Both can hear arraignments.

At the arraignment hearing, your legal rights will be explained to you. The charges against you will be explained either by the Deputy Attorney General or your lawyer. In the arraignment hearing, the hearing officer (Judge or Commissioner) will inform you of the charges filed against you, your right to plead guilty or not guilty, and your right to a speedy trial. The judicial officer will then ask if you wish to enter a plea of guilty or not guilty.

An arraignment is required in all criminal cases; however, a respondent may enter a plea of not guilty prior to the arraignment by filing a Waiver of Arraignment (Rule 10) with the Court pursuant to Family Court Rule of Criminal Procedure 10(d). (This form is being provided to you for your convenience. If you wish to obtain another copy, see Form 301 at <https://courts.delaware.gov/forms>). Then, the arraignment stage would be bypassed, which will cause your case to be scheduled for a case review or trial with a Judge or Commissioner. You will receive written notice of your next hearing date.

Requests for continuances of your arraignment must be made in writing prior to the arraignment date. The request must contain the reason for the continuance, defendant information, and the date and time of the hearings as well as the position of the opposing party (Department of Justice) and whether the case has been continued before. (See Form 196 at <https://courts.delaware.gov/forms>). It is up to the hearing officer to decide if your case will be continued or not. You must appear for your hearing remotely or in person as directed, unless the Court grants your request for a continuance.

**For additional information, please refer to our websites:
http://courts.delaware.gov/help/proceedings/fc_criminal.aspx**