

IN THE SUPREME COURT OF THE STATE OF DELAWARE

BRIANNA GABBERT, ¹	§
	§ No. 93, 2026
Petitioner Below,	§
Appellant,	§ Court Below: Family Court
	§ of the State of Delaware
v.	§
	§ File No. CS25-05733
ASHLEY GABBERT and	§ Petition No. 25-27647
MORGAN ASTER,	§
	§
Respondent Below,	§
Appellee.	§

Submitted: March 13, 2026

Decided: March 23, 2026

Before **SEITZ**, Chief Justice; **VALIHURA** and **GRIFFITHS**, Justices.

ORDER

(1) On March 2, 2026, the appellant filed a notice of appeal from a Family Court order, dated and docketed on January 6, 2026, denying emergency, ex parte relief in this guardianship proceeding. Under Supreme Court Rule 6, a timely notice of appeal should have been filed, at the latest, by February 5, 2026.² The Senior Court Clerk of this Court issued a notice directing the appellant to show cause why this appeal should not be dismissed (i) as untimely filed and (ii) because the order is

¹ The Court previously assigned pseudonyms to the parties under Supreme Court Rule 7(d).

² See DEL. SUPR. CT. R. 6(a)(i) (providing that a notice of appeal in a civil case shall be filed “[w]ithin 30 days after entry upon the docket of a judgment, order or decree from which the appeal is taken”).

interlocutory and the appellant did not comply with Rule 42. In response to the notice, the appellant argues the merits of the appeal but does not address the untimeliness of the appeal or the interlocutory nature of the Family Court's order.

(2) Time is a jurisdictional requirement.³ A notice of appeal must be received by the Office of the Clerk of this Court within the applicable time period in order to be effective.⁴ Unless an appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, an untimely appeal cannot be considered.⁵ Moreover, absent compliance with Supreme Court Rule 42, this Court lacks jurisdiction to hear an interlocutory appeal.⁶

(3) The appellant has not demonstrated that her failure to file a timely notice of appeal is attributable to court-related personnel or that the Family Court's order is final and appealable without complying with Rule 42. The appeal must therefore be dismissed.

³ *Carr v. State*, 554 A.2d 778, 779 (Del. 1989).

⁴ DEL. SUPR. CT. R. 10(a).

⁵ *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).

⁶ *Julian v. State*, 440 A.2d 990, 991 (Del. 1982).

NOW, THEREFORE, IT IS ORDERED, under Supreme Court Rule 29(b),
that the appeal is DISMISSED.

BY THE COURT:

/s/ Collins J. Seitz, Jr.
Chief Justice