

JUSTICE OF THE PEACE COURT

Civil Case Frequently Asked Questions

Emergency Forthwith Landlord/Tenant Filings – COVID-19

At this time, the Court is only accepting Emergency Forthwith Filings where irreparable harm can be demonstrated, under [25 Del .C. §5115](#). The Court's limited resources are reserved for emergencies only.

The requirements to file a Forthwith Landlord/Tenant action are:

- [CF01 – Complaint Form](#) (Landlords must attach a copy of the notice sent to the tenant with the filing)
- [CF01FS – Forthwith Request](#) (must demonstrate irreparable harm)
- \$45.00 Filing Fee

Payment Options – The Court is only accepting payment via Credit Card. Filings must have:

- [Misc29](#) - Credit Card Payment Authorization Form; or
- [CF49](#) – Application and affidavit to proceed In Forma Pauperis & [CF49A](#) – Affidavit of Good Cause
 - a. *Fee waiver request if Plaintiff cannot afford \$45.00 filing fee*

Ways to submit filing:

- E-Flex
 - If you are interested in acquiring an e-filing account, please visit <https://courts.delaware.gov/efiling/> to review the requirements for becoming an eFlex eFiler
- In person at Court 3, Court 7, or Court 11
 - Note: these filings will be accepted between 8:00 a.m. - 4:00 p.m., on Monday - Friday.
- Email to:
 - JPCourt13@delaware.gov
 - JPCourt16@delaware.gov
 - [JPCourt 17@delaware.gov](mailto:JPCourt17@delaware.gov)

ALL FORTHWITH REQUESTS SHALL BE CONSIDERED IN CASES WHERE IRREPARABLE HARM IS FOUND.

Other Frequently Asked Questions:

Question: My case was scheduled between 3/15 - 4/16, when will it be rescheduled?

Answer: When the Court reopens, your case will be rescheduled as soon as possible and notice shall be sent by Eflex or mail. If you have not received notification of your new trial date within 2 weeks of the Court reopening, please call.

Question: I am out of work and cannot pay my rent. What will happen to me?

Answer: This is a legal question. The Court cannot provide legal advice. You can explore applying for unemployment or other federal aid. Federal aid packages are being offered to people in this situation. Evictions are STAYED until May 15. NO EVICTION will take place prior to May 15 AND then, only if a judgment was entered and possession was awarded. Your landlord needs to file and a trial must be held before filing for eviction. Trials will not take place until we reopen. For further questions regarding legal rights, litigants should seek legal assistance. (i.e. legal aid – CLASI)

Question: I have a judgment where I was awarded possession and I want my tenant out.

Answer: All evictions are STAYED through May 15. The Court will then process filings in the order received. Every effort will be made to complete the Writs of Possession as soon as possible.

Question: I was awarded possession before the Court closed but my 30 days to file the writ has expired, what now?

Answer: The Court is extending timelines that have or will expire. The Chief Justice's order extends timelines to file until 4/21/20, if they expired during the closure period. Changes to this information will be available to the public through the Court's website or can be provided when the Court reopens.

Question: Can I file my case now?

Answer: If paper filed, the Court is only accepting Emergency Forthwith LLT filings. If E-filed, the Court is accepting all other filings, with the exception of new LLT filings. New LLT filings can be E-filed, but will not be reviewed/accepted by court staff until the Court reopens.

Question: I was sent an order requiring me to file something (i.e. BOPs) with the Court during the time the Court was closed. What do I do?

Answer: The Court is extending timelines that have or will expire. The Chief Justice's order extends timelines to file until 4/21/20, if they expired during the closure period. This information is available to the public through the Court's website or can be provided when the Court reopens.