Family Court New Castle County

Family Court has jurisdiction of all domestic matters. Over juvenile delinquency, child neglect, dependency, child abuse, adult misdemeanor crimes against juveniles, child and spouse support, paternity of children, custody and visitation of children, adoptions, terminations of parental rights, divorces and annulments, property divisions, specific enforcement of separation agreements, guardianship over minors, imperiling the family relationship, orders of protection from abuse and intra-family misdemeanor crimes. Family Court also has misdemeanor jurisdiction over offenses committed between former spouses, persons cohabitating together holding themselves out as a couple, and persons living separate and apart with a child in common.

Family Court does not have jurisdiction over adults charged with felonies or juveniles charged with first and second degree murder, rape, or kidnapping. Cases are appealed to the Supreme Court with the exception of adult criminal cases which are appealed to the Superior Court.

Common Challenges

Civil Matters:

- Filings at the Judiciary Blue Bins – Motions filed at the Judiciary Blue Bins that have upcoming hearings that are time sensitive. Because all filings at the Blue Judiciary Bins are retrieved by the Payment Center and not by the individual court, there may be a delay in the motion reaching the specific court. If the motion is time sensitive based on the upcoming hearing date (Motion for Continuance), it is suggested that the motion be filed with Family Court's Intake Unit, LL Ste. IL 400.

- Filings that do not identify when an interpreter is needed. This can be an honest oversight; however, when there is a clear language barrier, it is imperative that the request for an interpreter is done at filing. Most Family Court filings have an option for this.

- Deficient Filings – Not signed, not notarized, filing fee not paid, correct number of copies not included, caption is not complete (names of parties, name of court, and title of action, file # missing, and petition # missing), and if the forms have not been filled out completely.

  Note: Staff can complete or correct petition numbers when the intended petition number is clear to staff and move forward with processing if all other requirements are satisfied.

- Entry of Appearance – Timing of Entry of Appearance filing is critical to receiving documents on the case. For example: A Pro Se litigant files a custody petition but then later acquires an attorney and attorney submits Entry of Appearance; however, the case had already been scheduled and notices sent as the respondent had been successfully served. This can be all a matter of timing but generates inquiries attorneys as to why they were not notified of the scheduled hearing. Reminder to contact the Call Center who in turn can provide a status of the filing and case.

Criminal Matters

- Motions being sent via email and/or verbally being submitted while in discussion with the Hearing Officer on the day of the hearing.

- Motions submitted less than 10 days prior to the hearing

- Client notification of filing/hearing outcomes

Resources

Hours of operation: **Monday through Friday 8:30 a.m. till 4:30 p.m.**

Points of Contact:

Call Center: **302-255-0300**

- Based in New Castle covering all three counties (Kent, New Castle and Sussex).
- Call Center representatives assist with all inbound calls specific to Family Court. For example; but not limited to:
  - When a litigant is going to be late for a hearing. The litigant or attorney can contact the Call Center to advise. The Call Center will share that as a courtesy an email will be sent to the Judicial Officer advising; however, ultimate, the decision is up to the Judicial Officer as to moving as scheduled or accommodating as best as possible with respect to other scheduled hearings.
  - To check on the status of a filing, motion, or hearing date, etc.

Website: www.courts.delaware.gov/family

Intake/Resource Center: 500 N. King St. Wilmington DE LL1 Ste. IL 400

- All Family Court filings are made via the Intake/Resource Center or at the Judicial Blue Bins on the 1st floor by the security check point.
- Intake/Resource Center accepts payment in cash, check and debit/credit card for all filings (see attached Family Court of the State of DE Schedule of Assessed Cost).

- Intake/Resource Center is equipped with all of Family Court filing documents that include sample packets to assist litigants with completing the forms.
- Family Court staff assists with questions to the extent of not filling out the documents, advising of what to specifically write on the documents, and avoiding any Ex Parte or legal advice.
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Records Unit: **500 N. King St. Wilmington, DE LL1 Ste. IL 100**

- All file request for review are requested via the Records Unit
- All copies of documents/order, etc. are requested via the Records Unit
- Document certifications are requested via the Records Unit
- Archived files are requested via the Records Unit
- Audio transcript requests are requested via the Records Unit
- Service Member/Government background check assistance

Payment Options:

- In Person at 500 N. King St. Wilmington, DE LL1 Ste. IL 400
- Kiosks are now available for payments related to Criminal Charges and Child Support only (see handout for Payment Kiosks locations)

Note: Payments that are mailed to Family Court are accepted; however, they are referred then taken to the Intake Unit for processing.

Appreciations of Service & Complaints:

- May be filed at the Intake, Resource Center and Records Unit