FAMILY COURT OF THE STATE OF DELAWARE

SERVICE ON NON-DELAWARE RESIDENTS IN SUPPORT AND PATERNITY PROCEEDINGS

When a Respondent in a Support or Paternity Proceeding lives out of state, it is the responsibility of the Petitioner to make sure the Respondent is served with the petition. The law relating to service of a non-Delaware resident can be found at Title 10 of the Delaware Code, Section 3104(d). Specific information on establishing jurisdiction over non-Delaware residents in Child Support and Paternity cases can be found at Title 13 of the Delaware Code, Section 6-201.

What do I file?

Along with your Petition, you must file an Affidavit of Jurisdiction Over a Non-Delaware Resident in a Child Support or Paternity Action (Form 275). On this form, you are explaining to the Court why it is that the Respondent has enough contact with Delaware that the Delaware Family Court would have the right to hear the petition.

How do I serve the Respondent?

The Court will contact you when your “service packet” is ready. This will include the paperwork that you need to serve on the Respondent. You may serve these documents by the following methods:

1) By personal delivery in the manner prescribed for service in Delaware, **OR**

2) In the manner provided by law in the state where the Respondent shall be served, **OR**

3) By any form of mail addressed to the person to be served and requiring a receipt (certified mail, registered mail, FedEx, DHL, etc.)

What happens after I serve the Respondent?

After successful service, you must complete and file an Affidavit of Service (Form 277), including any necessary attachments.

When will my case be scheduled?

Your case will not be scheduled until you successfully serve the Respondent and file the Affidavit of Service.

How long do I have to serve the Respondent?

You have 90 days from the date that you receive the service packet to serve the Respondent. If you do not complete service within 90 days, the Court may dismiss your Petition.

What if the Respondent will not accept service?

If using a mail service, a receipt marked received or refused will constitute service. A receipt marked unclaimed is not valid service.

Related Forms:

Form 275 – Affidavit of Jurisdiction Over a Non-Delaware Resident in a Child Support or Paternity Action

Form 277 – Affidavit of Service

All forms can be found on the Family Court Website.

Family Court Contact Information

New Castle County	Kent County	Sussex County
500 NORTH KING STREET WILMINGTON, DE 19801 (302) 255-0300	445 SOUTH GOVERNORS AVENUE DOVER, DE 19904 (302) 672-1000	100 EAST MARKET STREET GEORGETOWN, DE 19947 (302) 855-7400

For more information, visit the Family Court webpage or scan the QR code.