



FAQ - FILING DURING THE COVID-19 JUDICIAL EMERGENCY

FAMILY COURT OF THE STATE OF DELAWARE

<https://courts.delaware.gov/family>

Related Forms

Form – 677 Unsworn Declaration

All forms can be found on the Family Court Website at <https://courts.delaware.gov/family>

Family Court Addresses and Contact Information

New Castle County

Leonard L. Williams
Justice Center
500 N. King Street
Wilmington, DE 19801
302-255-0300

Kent County

Family Courthouse
400 Court Street
Dover, DE 19901
302-672-1000

Sussex County

Family Courthouse
22 The Circle
Georgetown, DE 19947
302-855-7400

In light of the Judicial Emergency declared by Chief Justice Collins J. Seitz, Jr., Family Court has found it necessary to take additional precautionary measures related to the spread of COVID-19, including limiting person-to-person contact. During this Judicial Emergency and in the interest of protecting staff, litigants, and practitioners, Family Court is encouraging the use of alternative means of filing. Please continue reading for more information.

Q. How should I file my Family Court documents?

A. During this Judicial Emergency, non-emergency filings (Emergency Filings are defined below) should be **mailed** to Family Court. Please remember that forms and information are available 24 hours a day on the Family Court website at: <https://courts.delaware.gov/family/>

Q. I am unable to have my signature notarized because of the declared State of Emergency. What can I do?

A. Unsworn declarations may be used in lieu of verifications, sworn declarations, affidavits and notarized signatures. Family Court Form 677 (attached and available at <https://courts.delaware.gov/forms/>) may be used with Family Court filings that are submitted without being notarized.

Q. If I mail my filing to the Court, do I need to be aware of anything?

A. If you are mailing a petition, please be sure to check the attached Schedule of Assessed Costs. The Schedule will provide the applicable filing fee. If your filing requires a payment, you must include a check or money order, or request to proceed In Forma Pauperis (Form 257). Please also understand that given the State of Emergency, there may be delays in Family Court receiving mail.

Q. I have an emergency, what should I do?

A. Emergency Filings may be filed with the Family Court by email. Emergency Filings include those related to:

- (a) Protection from Abuse proceedings;
- (b) Any filing related to a dependency/neglect matter; and
- (c) Custody/Visitation/Guardianship filings if accompanied by a Motion and Affidavit for Emergency Ex Parte Order or a Motion and Affidavit for Priority Scheduling.

Q. Where should I email a Family Court Emergency Filing?

A. An Emergency Filing should be emailed to FC_COVID19@delaware.gov. **For Emergency Filings emailed to the Court, you may use an electronic signature instead of a handwritten signature.** An electronic signature should be in the following format: /s/Your Name. If your filing requires a notary or Clerk of Court signature, you can instead file a signed unsworn declaration (Form 677).

Q. What should I do if I have questions about an upcoming civil or criminal hearing in Family Court?

A. Please call the Family Court Call Center at 302-255-0300.

The Family Court of the State of Delaware

In and For New Castle County Kent County Sussex County

UNSWORN DECLARATION – COVID FILINGS

DIRECTION TO THE FILING PARTY: Attach this form with any filings that are submitted without being notarized.

Until further Order of the Court and pursuant to Section 3927 of Title 10 of the Delaware Code, any Family Court matter, except for a Consent to Terminate and Transfer Parental Rights, that requires a sworn declaration, verification, certificate, statement, oath, affidavit, or notarized signature may instead be supported by the filer's written, unsworn declaration.

Unsworn Declaration Made Under Penalty of Perjury

Pursuant to Section 3927 of Title 10 of the Delaware Code, I declare under penalty of perjury under the laws of Delaware that the allegations contained in the attached _____ are true and correct.

Executed on the _____ day of _____, _____.

Printed Name

Signature

(Electronic signature is permitted – sign as "/s/Your Name")

THE FAMILY COURT OF THE STATE OF DELAWARE
SCHEDULE OF ASSESSED COSTS
Effective 1/1/20

The following costs are in effect as of the date of this document and shall remain so until rescinded or revised by an updated schedule. Please note that items on this schedule may require judicial authorization.

<u>TRANSACTION</u>	<u>COST</u>
Ancillary Matters i.e.: Property division, alimony, separation agreement {Cost Per Matter}	90.00
<i>Note: A cost is not assessed for ancillary matters contained in an answer or counterclaim if the petitioner was assessed the cost for the same ancillary matters upon filing.</i>	
Appeals – Supreme Court, Superior Court	90.00
Appeals – Administrative Orders	50.00
Archived Case Retrieval Fee	25.00
Bad Check/Chargeback Fee	30.00
Capias	25.00
Certified Copies 1st page	4.00
additional pages	4.00
Civil Filing – Divorce <i>*plus Court Security Assessment</i>	175.00
Civil Filing <i>* Refer to page 3 for total cost plus Court Security Assessment, if applicable</i>	<i>Page 3</i>
Civil Violation Court Cost	20.00
Copy Charge - transmitted by Facsimile	8.00
Court Security Assessment – Criminal & Civil*	10.00
Criminal Court Costs	55.00
Divorce Publication In New Castle County (News Journal)	80.00
In Kent County (Delaware State News)	25.00
In Sussex County (The Sussex Countian)	35.00
Document Copying, cost per page	1.00
Electronic Copy of Audio Record - cost per hearing date	25.00
Exemplified Copies, cost per page	5.00
Expungement of Criminal Adult Record <i>*plus Court Security Fee</i>	70.00
Expungement of Criminal Juvenile Record	0.00
<i>NOTE: As of March 24, 2014, no costs should be assessed to Expungement of Criminal Juvenile Record, including court security assessment, and archive fee.</i>	

THE FAMILY COURT OF THE STATE OF DELAWARE
SCHEDULE OF ASSESSED COSTS
Effective 1/1/20

Genetic Test	
Per Case (Mother, child, alleged father)	99.00
For each additional person	33.00
Issuance of Subpoena	10.00
Judgments:	
Transfer Judgment to Prothonotary's Office	20.00
Motions filed pursuant to Family Court Civil Rule 60(b)	90.00
Personal Service of Process	30.00
Additional Service at same address, at same time, per document (up to 5 additional documents)	10.00
Pro Hac Vice fee (for Family Court) Criminal & Civil	422.00
Pro Se Sales	
#10 Regular Stamped Envelope	.75 each
Large Stamped Mailing Envelope	2.75 each
Forms Packets	5.00
Review DeNovo or Review of Commissioner's Order**	110.00
Transcripts** – for New Castle, Kent and Sussex Counties (Veritext):	
Per page, original + 1 copy (15 day service)	3.80
Per page, additional copies requested at time of original order	0.00
Voluntary Wage Assignment	20.00

* Per SS 1, Senate Bill No. 75:

Amend Chapter 85, Title 10 of Delaware Code by adding §8505 Court Security Assessment.

All state courts shall assess as part of court costs a supplemental court security assessment on each initial civil filing and on each criminal, traffic or delinquency charge for which there is a conviction or finding of delinquency or responsibility, or voluntary assessment paid.

Criminal Court Security Assessment is effective February 15, 2008.

Civil Court Security Assessment is effective February 29, 2008.

NOTE – please see attached list of applicable civil filings.

**Section 3796gg-5 of Chapter 46, Title 42 of the United States Code provides that no victim of domestic violence bear costs associated with obtaining protection.

THE FAMILY COURT OF THE STATE OF DELAWARE
SCHEDULE OF ASSESSED COSTS
Effective 1/1/20

Family Court Petition cost is \$90.00 per filing. **If the petition you are filing is noted below**, the petition is also assessed a civil court security assessment and the total cost will be \$100.00 per filing:

PETITION FOR ACCOUNTING OF CHILD SUPPORT
PETITION FOR ADOPTION
PETITION FOR ALIMONY
PETITION FOR ANNULMENT
PETITION FOR APPEAL OF CHILD ABUSE REGISTRY
PETITION FOR CHILD SUPPORT
PETITION FOR CHILD SUPPORT ARREARS
PETITION FOR CHILD SUPPORT MODIFICATION
PETITION FOR CUSTODY
PETITION FOR CUSTODY - DEPENDENCY/NEGLECT
PETITION FOR DEPENDENCY/NEGLECT
PETITION FOR GUARDIANSHIP
PETITION FOR IMPERILING FAMILY RELATIONS
PETITION FOR MINOR NAME CHANGE
PETITION FOR MODIFICATION OF ALIMONY
PETITION FOR MODIFICATION OF CUSTODY
PETITION FOR MODIFICATION OF GUARDIANSHIP
PETITION FOR MODIFICATION OF IMPERILING FAMILY RELATIONS
PETITION FOR MODIFICATION OF VISITATION
PETITION FOR PARENTAGE DETERMINATION
PETITION FOR PARTITION
PETITION FOR PERMANENT GUARDIANSHIP
PETITION TO REFORM SEPARATION AGREEMENT
PETITION FOR REMOVAL FROM CHILD ABUSE REGISTRY
PETITION TO RESCIND CUSTODY
PETITION TO RESCIND GUARDIANSHIP
PETITION FOR SPECIFIC PERFORMANCE UNDER A SEPARATION AGREEMENT
PETITION FOR SPOUSAL SUPPORT
PETITION FOR SUBSTANTIATION (CHILD ABUSE REGISTRY)
PETITION FOR SUPPORT OF A POOR PERSON
PETITION FOR TERMINATION OF PARENTAL RIGHTS
PETITION FOR TRUANCY APPEAL
PETITION FOR VISITATION
PETITION TO VACATE REGISTRATION OF CUSTODY ORDER