

## VISIT THE DELAWARE COURTS ONLINE AT:

<http://courts.delaware.gov>

For information on

“How to” Topics

Forms

Hours and Locations

Court Rules

Jury Information

Frequently asked Questions

Calendars

Opinions

Annual Report

Career Opportunities

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## FREQUENTLY ASKED QUESTIONS...

**Q. Do I need a lawyer or can I represent myself in court?**

**A.** An individual may represent himself or herself in court, but you should realize that the process can be complicated. If you need assistance in finding an attorney (or to find out if you qualify for free legal assistance), visit the Legal Help Link online:

[delegalhelplink.org](http://delegalhelplink.org)

**Q. If I represent myself, are there any resources to help me?**

**A.** You may visit the Judicial Branch website for forms and self-help information. The website is located at: <http://courts.delaware.gov>. In addition, if you have a matter in Family Court, you may wish to visit one of the Self Help Centers located in the same courthouse as the Family Court in each county. These contain forms and informational material that should be of assistance. (The self-help center in the New Castle County Courthouse also has information for other courts.)

**Q. If there is bad weather, how do I know if the courthouse is closed?**

**A.** You may listen to your local radio station or check the courts website at <http://courts.delaware.gov> to determine if a court facility is closed. You should remember that decisions are made separately for each court facility and that the decision of the Governor to close State agencies does not impact the courts.

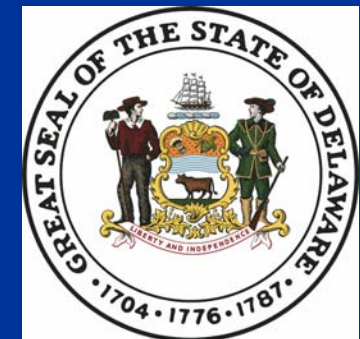
**Q. Are there security restrictions as to what I may bring into a courthouse?**

**A.** Items typically not allowed in Delaware courthouses are cell phones, camera phones or other personal communication devices, such as Blackberries, Sidekicks, pagers, PDAs, laptops, etc., as well as any potentially dangerous items, such as scissors, knives, and weapons.

# DELAWARE COURTS TRADITION OF EXCELLENCE



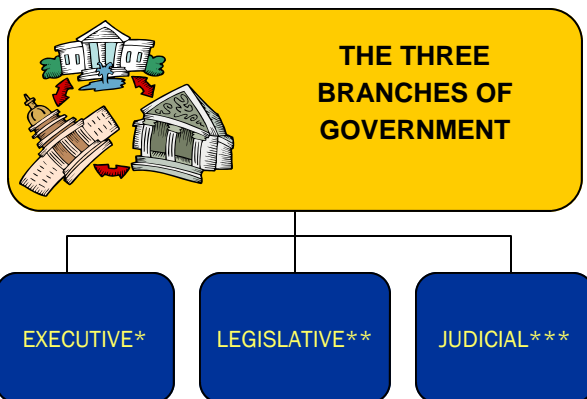
Delaware Supreme Court—Dover



<http://courts.delaware.gov>

## THE SEPARATION OF POWERS AND THE JUDICIAL BRANCH

The founding fathers of our nation and of our state wanted to protect individual freedoms by preventing the government from abusing its power. One way in which they did this was by creating federal and state constitutions that established three separate branches of government—the executive, the legislative and the judicial, each of which is independent and serves as a check on the others. This system ensures that the Judicial Branch has the independence necessary to be able to decide cases on the law and facts alone without outside interference.



**\*Executive**— Headed by the Governor and contains executive branch agencies such as Homeland Security and the Office of the Attorney General. The Governor nominates persons to become judges.

**\*\*Legislative**—The Delaware General Assembly consists of the Senate and House of Representatives. The Senate confirms the Governor's nominees for judgeships.

**\*\*\*Judicial**— Consists of the Delaware State Courts (Supreme Court, Court of Chancery, Superior Court, Family Court, Court of Common Pleas, and Justice of the Peace Court) as well as certain agencies such as the Office of Public Guardian and the Law Libraries. The Chief Justice of the Delaware Supreme Court is the head of the Judicial Branch.

## THE DELAWARE COURT SYSTEM

### COURT OF LAST RESORT

#### SUPREME COURT

The Supreme Court is the highest court in the State of Delaware. It handles appeals from the Court of Chancery, Superior Court and Family Court (civil and delinquency cases). Pursuant to the Delaware Constitution, the Chief Justice of the Supreme Court is the head of the Delaware State Court system.

### EQUITY COURT

#### COURT OF CHANCERY

The Court of Chancery is known world-wide for its expertise in cases involving corporate and business disputes. It also hears other civil cases such as wills, guardianships, and land sales. As a court of equity, it handles cases which cannot be resolved by the court awarding money damages to the plaintiff. It does not hear criminal cases.

### LAW COURT

#### SUPERIOR COURT

The Superior Court is Delaware's highest general jurisdiction trial court. It is the only Delaware trial court that can hear felonies (serious crimes) and most drug offenses. Also, there is no limit on the amount of damages that can be sought in civil cases filed in the Superior Court. The Court also hears appeals from the Court of Common Pleas and the Family Court (adult criminal cases), as well as from administrative boards.

### COURTS OF LIMITED JURISDICTION

#### FAMILY COURT

The Family Court handles domestic relations cases such as divorce, custody, and child support. It also hears juvenile delinquency cases and misdemeanor crimes against children or by the defendant against a family member.

#### COURT OF COMMON PLEAS

The Court of Common Pleas hears civil cases in which the damages sought do not exceed \$50,000, as well as misdemeanors (crimes that are less serious than felonies) and traffic cases. The Court also handles preliminary hearings in felony cases and appeals from the Justice of the Peace Court, Alderman's Courts (these are local courts that are not part of the State Court system), and the Division of Motor Vehicles.

#### JUSTICE OF THE PEACE COURT

There are Justice of the Peace Court locations throughout the State of Delaware. These courts hear civil cases in which the damages sought do not exceed \$15,000 and landlord/tenant disputes. They also handle certain misdemeanors and most motor vehicle cases (other than those that are felonies). Justices of the Peace are frequently the first contact that an arrested person has with the criminal court system when they are brought to a Justice of the Peace Court to have initial bail set.

#### ALDERMAN'S COURTS

Municipal Alderman's Courts handle minor misdemeanors, traffic, parking, and minor civil matters occurring within town limits (specific jurisdiction varies with town charter, as approved by the General Assembly).

*Alderman's Courts are not part of the Delaware State Court system. They are independent entities within their respective municipalities. However, cases may be transferred or appealed to a State Court.*