

IN THE FAMILY COURT OF THE STATE OF DELAWARE

ORDER AMENDING RULES 5, 6 AND 300

OF THE FAMILY COURT RULES OF CIVIL PROCEDURE

This 4th day of October 2022, **IT IS ORDERED THAT:**

1. Rule 5 shall be amended as follows:

Rule 5. Service and Filing of Pleadings and Other Papers.

(b) (1) Appearance of Party: When; How Made. Except as otherwise provided by statute, a respondent may appear though not served with a summons. Appearance may be made by the service and filing of notice thereof, or by the service or filing of any motion or pleading purporting to be responsive to or affecting the petition, or by appearing personally, including participating virtually, at any Court mediation conference, hearing or trial in the action.

(2) Appearance of Attorney: When; How Made; Withdrawal.

(A) An attorney shall appear for the purpose of representing a party by filing a written notice of appearance a form of which will be provided by Family Court. The notice of appearance shall specify the matter(s) in which the attorney will represent the party. Once an attorney has filed a notice of appearance in a particular matter, copies of all notices given to the party with regard to that matter shall also be given to the party's counsel. No appearance shall be withdrawn except upon application by the attorney and order of the Court for good cause.

(B) Any appearance by an attorney in accordance with subparagraph (A) shall be limited to representation with respect to the specific petition filed and shall terminate when the time for appeal has elapsed from the final order entered by the Court.

(3) Transmittal of Petition After Appearance. When a respondent appears in a case without having been personally served a summons and copy of the petition, the respondent waives any right to personal service of the summons and petition. Court staff will, on request, provide a copy of the petition to the respondent either (1) in person at the courthouse, or (2) via electronic mail using an electronic mail address provided by the respondent, or (3) via regular mail using the address

provided by the respondent, or (4) by providing a copy to respondent's attorney who has entered an appearance pursuant to subsection (b)(2).

2. Rule 6 shall be amended as follows:

Rule 6. Time.

(d) Additional time after service by mail or electronic mail. -- Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after being served and service is by mail or electronic mail, 3 days shall be added to the prescribed period unless the time period is prescribed by statute.

3. Rule 300 shall be amended as follows:

Rule 300. Expedited procedures for support actions.

(a) Expedited process; definition. --

(1) For any action in which a mediation conference is ~~required~~ permitted under Rule ~~16(a)~~ 16.1(a), expedited process shall include the mediation conference together with a hearing before a master or commissioner if the mediation conference does not result in a permanent order for support.

(2) In all other proceedings requesting relief in the form of support pursuant to Chapter 5, and requesting relief pursuant to Chapters 4, 6 and 8 of Title 13 of the Delaware Code, including actions for modification of existing orders and proceedings alleging contempt of such orders, expedited process shall be the trial before a master or commissioner.

4. These amendments shall be effective January 1, 2023, which is at least 30 days after notice to members of the Bar.

BY THE COURT:

/s/ Michael K. Newell 8/19/2022
Michael K. Newell
Chief Judge

/s/ Mark D. Buckworth 8/19/2022
Mark D. Buckworth
Judge

/s/ Peter B. Jones 8/19/2022
Peter B. Jones
Judge

/s/ Mardi F. Pyott 8/30/2022
Mardi F. Pyott
Judge

/s/ Robert B. Coonin 8/19/2022
Robert B. Coonin
Judge

/s/ Arlene Minus Coppadge 10/4/22
Arlene Minus Coppadge
Judge

/s/ Joelle P. Hitch 8/19/2022
Joelle P. Hitch
Judge

/s/ Paula T. Ryan 8/19/2022
Paula T. Ryan
Judge

/s/ Felice G. Kerr 8/19/2022
Felice G. Kerr
Judge

/s/ Jennifer B. Ranji 8/19/2022
Jennifer B. Ranji
Judge

/s/ Natalie J. Haskins 8/19/2022
Natalie J. Haskins
Judge

/s/ Janell S. Ostroski 8/19/2022
Janell S. Ostroski
Judge

/s/ Louann Vari 9/16/2022
Louann Vari
Judge

/s/ James G. McGiffin, Jr. 8/23/2022
James G. McGiffin, Jr.
Judge

/s/ Mary S. Much 8/19/2022
Mary S. Much
Judge

/s/ Michael W. Arrington 8/19/2022
Michael W. Arrington
Judge

/s/ Theresa M. Hayes 8/19/2022
Theresa M. Hayes
Judge