

Announcement
Amendments to Rules 5, 6, and 300
of the Family Court Rules of Civil Procedure

By Order dated October 4, 2022, and effective January 1, 2023, the Delaware Family Court has amended Rules 5, 6, and 300 of the Family Court Rules of Civil Procedure (the “Rules”).

During the COVID-19 pandemic, Family Court was able to maintain its critical caseload by pivoting to virtual proceedings. Although many proceedings have returned to in-person, Family Court continues to utilize virtual proceedings where appropriate and helpful. Given the Court’s continued use of virtual proceedings, the amendments to Rule 5 provide important clarification. Specifically, amended Rule 5 provides that participation in a virtual proceeding qualifies as a personal appearance in a case. The amendments also reiterate existing statutory language regarding the effect of personal appearance on service of process. Although service of a summons and petition are waived by a respondent’s personal appearance, the amendments reflect that, upon the respondent’s request, the Court will provide a copy of the petition to the respondent or the respondent’s attorney. The petition can be received in person at the courthouse, via mail, or via electronic mail.

In December 2021, Rule 5 was amended to allow service of pleadings (excluding petitions) and papers via electronic mail. Historically, Rule 6 has given parties an additional three days to respond when service is made by mail. Amended Rule 6 provides that the additional 3 days will also apply when service is made by electronic mail. Finally, Rule 300 is being amended to reflect changes previously made to Rule 16.1.