

Announcement
Amendments to Rules 4, 221, and 501
of the Family Court Rules of Civil Procedure

By Order dated October 20, 2021, and effective January 1, 2022, the Delaware Family Court has amended Rules 4, 221, and 501 of the Family Court Rules of Civil Procedure (the “Rules”). These amendments are a result of legislation recently signed by Governor John Carney.

Senate Bill 91 was signed by Governor Carney on July 30, 2021. Traditionally, when the whereabouts of a respondent are unknown and a petition cannot be personally served, notice of the petition must be published in a newspaper. The intent of Senate Bill 91 was to leverage technological advances to allow Family Court the flexibility to permit litigants to publish through a legal notices website established by Family Court. Upon enactment of Senate Bill 91, Family Court began work on creating a legal notices website along with creating corresponding forms and procedures. Family Court anticipates its legal notices website will be operational early in the new year. With that, Rules 4 and 221 have been amended to make clear that when publication is required publication can be accomplished through print in a newspaper or through the Court’s legal notices website. Additional information regarding publication via the Court’s legal notices website will be made available on Family Court’s homepage at: <https://courts.delaware.gov/family/>

Additionally, Rule 501 has been amended given the enactment of Senate Bill 15, which provides that the State minimum wage will be increased to \$10.50 per hour on January 1, 2022. The amendment to Rule 501 will effectively maintain the current presumptive minimum income used in child support cases.