

IN THE FAMILY COURT OF THE STATE OF DELAWARE

ORDER AMENDING RULES 65.2 AND 225

OF THE FAMILY COURT RULES OF CIVIL PROCEDURE

This 14th day of June 2020, **IT IS ORDERED THAT:**

1. Rule 65.2 shall be amended as follows:

Rule 65.2. Emergency and interim orders.

(a) Emergency order requests. -- The Court may enter an emergency ex parte order upon the motion of any party or upon the Court's own motion. Such orders may be entered without notice only where the Court determines, by affidavit or by verified complaint, that immediate and irreparable harm will otherwise result. The moving party must certify to the Court reasons supporting the claim that notice should not be required. In all cases in which a party other than the Department of Services for Children, Youth and their Families (DSCYF) seeks ex parte relief, the Court shall examine the Delaware criminal history of the parties prior to granting custody or guardianship, and may review a summary of the parties' history provided from the Division of Family Services, including substance abuse and mental health records. The Court's Order shall reflect the nature of the information obtained from the summary and the current DSCYF social worker assigned to the family, if applicable. The Court may require the appearance of the DSCYF social worker at trial. The Court's review of information provided by the Division of Family Services is for ex parte purposes only and is not a determination of admissibility of such information at a subsequent hearing. No ex parte order shall be extended past fifteen days without an evidentiary hearing which affords the adverse party an opportunity to be heard, unless extended by the Court for good cause shown.

2. Rule 225 shall be amended as follows:

Rule 225. Emergency removal of a child.

When emergency removal of a child from the home or other emergency relief is sought during normal Court operating hours, relief may be awarded subject to the requirements of Family Court Civil Rule 65.2. In all cases in which a party other than the Department of Services for Children, Youth and their Families (DSCYF) seeks ex parte removal of a child, the Court shall examine the Delaware criminal history of the ~~proposed caretaker~~ parties prior to granting custody or

guardianship, and may review a summary of the parties' history provided from the Division of Family Services, including substance abuse and mental health records. The Court's Order shall reflect the nature of the information obtained from the summary and the current DSCYF social worker assigned to the family, if applicable. The Court may require the appearance of the DSCYF social worker at trial. The Court's review of information provided by the Division of Family Services is for ex parte purposes only and is not a determination of admissibility of such information at a subsequent hearing.

3. These amendments shall be effective after 30 days notice to members of the Bar.

BY THE COURT:

/s/ Michael K. Newell 6/14/20
Michael K. Newell
Chief Judge

/s/ Kenneth M. Millman 6/12/20
Kenneth M. Millman
Judge

/s/ Mark D. Buckworth 6/12/20
Mark D. Buckworth
Judge

/s/ Peter B. Jones 6/4/20
Peter B. Jones
Judge

/s/ Mardi F. Pyott 6/5/20
Mardi F. Pyott
Judge

/s/ Robert B. Coonin 6/12/20
Robert B. Coonin
Judge

/s/ Arlene Minus Coppadge 6/11/20
Arlene Minus Coppadge
Judge

/s/ Joelle P. Hitch 6/4/20
Joelle P. Hitch
Judge

/s/ Paula T. Ryan 6/5/20
Paula T. Ryan
Judge

/s/ Felice G. Kerr 6/4/20
Felice G. Kerr
Judge

/s/ Jennifer B. Ranji 6/4/20
Jennifer B. Ranji
Judge

/s/ Natalie J. Haskins 6/11/20
Natalie J. Haskins
Judge

/s/ Janell S. Ostroski 6/5/20
Janell S. Ostroski
Judge

/s/ Louann Vari 6/4/20
Louann Vari
Judge

/s/ James G. McGiffin, Jr. 6/11/20
James G. McGiffin, Jr.
Judge

/s/ Mary S. Much 6/4/20
Mary S. Much
Judge

/s/ Michael W. Arrington 6/4/20
Michael W. Arrington
Judge