

IN THE FAMILY COURT OF THE STATE OF DELAWARE

ORDER AMENDING RULES 65.2, 107, 226, AND 227

OF THE FAMILY COURT RULES OF CIVIL PROCEDURE

This 8th day of October 2018, **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~~ 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. No ex parte order shall be extended past ~~ten~~ 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 107(c)(5) shall be replaced as follows:

Rule 107. Briefs; letter memoranda.

(c) Form. -- All briefs and letter memoranda shall contain the following information:

(5) Form of citations. The following shall be the form of citations:

(i) Reported Opinions. The style of citation shall be as set forth in "The Bluebook: A Uniform System of Citation," with no reference to the State Reporter Systems or other parallel citations. For example:

Melson v. Allman, 244 A.2d 85 (Del. 1968).

Prince v. Bensinger, 244 A.2d 89 (Del. Ch. 1968).

State v. Pennsylvania R.R. Co., 244 A.2d 80 (Del. Super. Ct. 1968).

Jones v. Jones, 244 A.2d 78 (Del. Fam. Ct. 1968).

Cases with citations to computer reported systems; e.g., Westlaw, Lexis, and Fastcase shall be cited as set forth below:

LEXIS Citation Form: *C. C. C. v. A. C. S.*, 2017 Del. Fam. Ct. LEXIS 16 (Del. Fam. Ct. Aug. 29, 2017).

Westlaw Citation Form: *C. C. C. v. A. C. S.*, 2017 WL 3867826 (Del. Fam. Ct. Aug. 29, 2017).

Fastcase Citation Form: *C. C. C. v. A. C. S.*, File No.: CS03-06009, Petition No. 17-10754 (Del. Fam. Ct. Aug. 29, 2017) (Fastcase).

(ii) Unreported Opinions. The style of citation shall be as set forth below:

Delaware Citation Form: *Fox v. Fox*, Del., No. 510, 1997, Berger, J. (May 14, 1998).

C. C. C. v. A. C. S., Del. Fam., File No. CS03-06009, Newell, C.J. (Aug. 29, 2017).

(iii) Other Authority. The style of citation to any other type of authority, including but not limited to statutes, books, and articles, shall be as set forth in “The Bluebook: A Uniform System of Citation.”

3. Rule 226 shall be amended as follows:

Rule 226. Preliminary protective hearing.

(a) If an ex parte order is granted, a preliminary protective hearing shall be scheduled before a judge within ~~10~~ 15 days of the entry of the ex parte order; or if an ex parte order of custody or guardianship is not entered but the Court finds that priority scheduling is warranted, a preliminary protective hearing shall be scheduled within ~~10~~ 15 days of the filing of the petition. The Court shall determine whether the evidence demonstrates that probable cause exists to believe that immediate and irreparable harm will otherwise result. The finding of probable cause may be based upon hearsay evidence in whole or in part.

4. Rule 227 shall be amended as follows:

Rule 227. Adjudicatory hearing.

(a) Unless a respondent(s) waives his or her right to an adjudicatory hearing and agrees to continued custody or guardianship of the child with the petitioner, an adjudicatory hearing shall be scheduled within ~~30~~ 60 days of the entry of the preliminary protective order.

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