

Announcement
Amendments to Rules 65.2, 107, 226, and 227 of the
Family Court Rules of Civil Procedure

By Order dated October 8, 2018 and effective January 2, 2019, the Delaware Family Court has amended Rules 65.2, 107, 226, and 227 of the Family Court Rules of Civil Procedure (the “Rules”).

The amendments to Rules 226 and 227 affect the timeframes associated with some guardianship cases. Specifically, if the Court grants an ex parte order or priority scheduling in a guardianship case, amended Rule 226 provides that the Court will hold the preliminary protective hearing within 15 days. In guardianship cases in which an ex parte order was entered, amended Rule 227 requires that an adjudicatory hearing be held within 60 days. With these updated timeframes, the Division of Family Services will be better able to provide necessary information to the Court.

Rule 65.2 has been amended to provide consistency in all case types as it relates to hearings following entry of an ex parte order. As amended, Rule 65.2 provides that an evidentiary hearing following an ex parte order will be held within 15 days. This 15-day timeframe is consistent with the statutory timeframe associated with Protection from Abuse proceedings and the newly amended timeframe associated with guardianship proceedings.

Amended Rule 107 has been updated to follow the existing Delaware Supreme Court citation rule and includes information on citing to online legal databases.