

Announcement
Amendment to Rule 16.1
of the Family Court Rules of Civil Procedure

By Order dated February 16, 2023, and effective May 1, 2023, the Delaware Family Court has amended Rule 16.1 of the Family Court Rules of Civil Procedure (the “Rules”).

This spring, Family Court anticipates the start of a mediation screening pilot program. This pilot will involve the use of a screening tool by Family Court staff. Trained staff members will screen litigants to determine whether court-based mediation can safely proceed, the appropriate mediation method, and any necessary safety precautions. Amended Rule 16.1 provides that litigant screening responses are confidential, undiscoverable, and inadmissible (with limited exceptions) while additionally providing for the destruction of responses following the conclusion of the case. The Court may retain for future use information regarding the mediation method and safety precautions utilized in individual cases. Such information will be maintained separate from the case file. Finally, the amended rule makes clear that the screening will not impact any interim order recommended following mediation.