



A GUIDE TO VISITATION IN THE FAMILY COURT

VISITATION

FAMILY COURT OF THE STATE OF DELAWARE

<https://courts.delaware.gov/family>

What will a visitation order provide?

A visitation order will provide the parties with a schedule of contact with the child. A visitation order will **not** address custody of the child.

Who may file a Petition for visitation?

Any adult may file for visitation of a child. The standard that the Court will use, however, is the best interests of the child OR consent of the parties. Visitation is usually only granted to individuals who have a close relationship with the child.

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How does a grandparent obtain visitation with a grandchild?

A grandparent may file a Petition for Visitation with their grandchild. Special standards apply in these situations. Please see the Grandparent Visitation FAQ for more information.

Must I take a parent education course if I file for visitation?

If you and the other party are the parents of the child named in the Petition for Visitation, you must complete a parent education course. For more information on Parent Education, please see the Parent Education FAQ.

What if the other party and I agree on a visitation schedule?

You may file a Consent Order along with your Petition for Visitation. A Judicial Officer will review your consent order. If the Consent Order is signed by the Judicial Officer, it becomes a Court Order, which must be followed.

What are the Contact Guidelines?

The Contact Guidelines are a tool developed by the Court to assist parties in developing a visitation schedule that will work for them. The Contact Guidelines are available in the Resource Centers and on the Family Court website. Consider whether the Contact Guidelines accommodate your and the Respondent's schedule as well as the schedule of the child. You are not required to follow the Guidelines.

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Will non-payment of child support affect the visitation petition?

No. Visitation and child support are separate legal actions. Visitation rights are not contingent upon the payment of child support. Likewise, the obligation to pay child support exists regardless of whether visitation is taking place. In other words, a parent cannot be denied visitation with a child simply because he/she has not paid child support. Also, a parent may have to pay child support even though he/she is not allowed visitation with a child.

Will I attend mediation?

After all of the Respondents have been served with the Petition for Visitation or Petition to Modify Visitation and each of the Respondents has had an opportunity to file an Answer, the Court normally will schedule your visitation matter for Mediation. ALL PARTIES are required to attend. Mediation will not be scheduled if there is an active no contact order between the parties or a finding of domestic violence, or if one of the parties is a sex offender as defined by Delaware law.

The other party is not allowing me to have any visitation with the child. What can I file?

You may file a Motion for Temporary Visitation. In this Motion, you must explain to the Court that there is no current visitation schedule and that you are experiencing less visitation than that which would routinely be awarded by the Court.

For more information on visitation, please see the Visitation Instruction Packet. This packet is available in the Resource Centers located in each courthouse and online at <https://courts.delaware.gov/family>.