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Court of Chancery Implements Amendments to Court Rules 178A and 180-B

The amendments are intended to improve the processes in proceedings relating to life-sustaining procedures and to ensure consistency with related statutes.

Chancellor Kathaleen St. Jude McCormick today signed an order adopting amendments to Court of Chancery Rules 178A and 180-B, effective as of June 1, 2026.

The amendments are intended to improve the processes in proceedings relating to life-sustaining procedures and to ensure consistency with related statutes.

Rule 178A was amended to resolve a conflict with 16 *Del. C.* § 2522(a) discussed in a March 24, 2026, [letter decision](#) authored by Vice Chancellor Paul A. Fioravanti, Jr., in *In re J.L.S.*, C.M No. 20912-K-PAF. Revised Rule 178A also clarifies the required contents of petitions filed under the rule—which must be verified—including “a description of any efforts to obtain physicians’ affidavits relating to the subject matter of the petition that the petitioner did not provide under paragraph (a)(2)(D) of this rule.” The revised rule also shortens the deadline for responses to petitions under the rule from 20 days to 13 days and specifically requires the noticing party to file proof that notice was timely served. Revised Rule 178A also permits the Court to waive the notice requirements under the rule for good cause shown, and clarifies that petitions under the rule will be heard in the first instance by the Chancellor or a Vice Chancellor.

Rule 180-B was amended to clarify that references to guardians throughout the rules shall be applicable to guardians for persons with disabilities appointed under 12 *Del. C.* Chapter 39A, in addition to guardians appointed under 12 *Del. C.* Chapter 39 after July 8, 1993, and to trustees and guardians appointed under former statutes 12 *Del. C.* Chapter 37 and Chapter 39. The rule also was amended to change the term “ward” to “person with a disability,” to align more closely with other rules.

The Court has issued a commentary to each of the amended rules to provide interpretive guidance for practitioners. These commentaries do not add obligations beyond the rules themselves.

“This amendment effort was led by Magistrate Judges Caroline Brittingham, Jessie R. Benavides, and Guardianship Operations Manager J. Renee Kinsey, who are always looking to improve the Court’s rules and processes applicable to its guardianship matters,” said Chancellor McCormick. “Improving procedures and clarifying expectations is essential to ensuring access to justice in this vital area of our law.”

A copy of the order implementing the amendments to Court of Chancery Rules 178A and 180-B may be viewed on [the Court of Chancery’s webpage](#).