

IN THE SUPREME COURT OF THE STATE OF DELAWARE

FINLEY HARRISON,¹

Respondent Below,
Appellant,

v.

GABRIEL SANTOS and MILA
WAGNER,

Petitioners Below,
Appellees.

§

§ No. 343, 2026

§

§ Court Below: Family Court
§ of the State of Delaware

§

§ File No. CN26-03213

§ Petition No. 26-14835

§

§

§

§

Before **SEITZ**, Chief Justice; **TRAYNOR** and **LEGROW**, Justices.

ORDER

This 16th day of September 2026, after consideration of the notice to show cause, the appellant’s response, and the Family Court docket, it appears to the Court that:

(1) This matter concerns a child born in 2018. In July 2026, the child’s maternal grandmother and brother filed a petition for guardianship of the child and a motion for an emergency ex parte order. The child’s mother had recently and suddenly died. The petitioners alleged that the child is afraid of the respondent (“Father”) due to a history of domestic violence and that the child had not had visitation with Father in several years. They further alleged that placing the child

¹ The Court previously assigned pseudonyms to the parties under Supreme Court Rule 7(d).

with Father would put the child at risk of a severe mental health crisis and that the child has consistently expressed a desire to remain in the petitioners' care and custody.

(2) The Family Court granted the emergency motion and scheduled the matter for a priority hearing on July 27, 2026. Father answered the petition, denying that the child would be dependent, neglected, or abused in his care and requesting sole custody. On July 27, 2026, following the hearing, the Family Court entered an interim order awarding guardianship to the petitioners pending the scheduling of a full guardianship hearing. The court determined, among other reasons, that it was not in the child's best interest to immediately place the child with Father, given their lack of a relationship and the child's fear. The court ordered that the child be engaged with a therapeutic visitation counselor for the purpose of making progress toward therapeutic visitation between the child and Father.

(3) Father, who is self-represented, filed a notice of appeal from the Family Court's interim order. He also filed a "Motion for Emergency Stay Pending Appeal." The Clerk's office issued a notice to show cause why the appeal should not be dismissed because Father had not complied with Rule 42.

(4) On August 21, 2026, Father filed a motion asking the Family Court to permit him to file an untimely application for certification of an interlocutory appeal and to certify the interlocutory appeal. He also filed a response to the notice to show

cause. The response acknowledges that the appeal is interlocutory; argues the merits of the appeal; requests that the Court refrain from dismissing the appeal until the Family Court rules on the application for certification; and requests that, if this appeal is dismissed, the filing fee be applied to a later appeal from a final order.

(5) On September 14, 2026, the Family Court denied Father’s application for certification of an interlocutory appeal because it was untimely. Supreme Court Rule 42 provides that a party must file in the trial court an application for certification of an interlocutory appeal within ten days of the entry of the order from which the appeal is sought, unless the trial court, in its discretion, extends the deadline for filing the application “for good cause shown.”² The Family Court did not extend the deadline, and we conclude that Father has not shown good cause for his failure to timely file an application for certification.³

(6) Moreover, even if the application had been timely filed, interlocutory review would not be warranted. Exceptional circumstances that would merit interlocutory review of the Family Court’s decision do not exist in this case, and the potential benefits of interlocutory review do not outweigh the inefficiency, disruption, and probable costs caused by an interlocutory appeal.⁴ Father’s

² DEL. SUPR. CT. R. 42(c)(i).

³ See *Cullen v. Michaels*, 2025 WL 3056476, at *1 (Del. Oct. 30, 2025) (dismissing interlocutory appeal in which self-represented appellant filed application for certification more than ten days after Family Court entered the interlocutory order).

⁴ DEL. SUPR. CT. R. 42(b)(ii).

application also did not establish that any of the Rule 42(b)(iii) factors apply. The interim order provides for the child's care pending therapeutic visitation with Father and a full hearing on the merits of the guardianship petition, and the appropriate course is to permit the proceeding to conclude without the disruption from an interlocutory appeal.

NOW, THEREFORE, IT IS ORDERED that this appeal is DISMISSED. The "Motion for Emergency Stay Pending Appeal" is moot. The filing fee that the appellant paid to this Court may be applied to a future appeal filed by the appellant from the Family Court's final order in the guardianship matter.

BY THE COURT:

/s/ Gary F. Traynor
Justice