IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE PETITION OF MELISSA A. GUZMAN FOR A WRIT OF MANDAMUS	§ § §	No. 401, 2026

Submitted: October 20, 2026
Decided: November 9, 2026

Before **TRAYNOR**, **LEGROW**, and **GRIFFITHS**, Justices.

ORDER

After consideration of the petition for a writ of mandamus and the State's answer and motion to dismiss, it appears to the Court that:

(1) The petitioner, Melissa A. Guzman, seeks to invoke the original jurisdiction of this Court, under Supreme Court Rule 43, to issue a writ of mandamus to the Family Court. Guzman asks the Court to direct the Family Court to end the involvement of the Division of Family Services ("DFS") with her family and to return her child and her stepchild to their home. The petition alleges that various family members are making false accusations and coordinating with DFS to remove the children from the care of Guzman and her partner, Douglas Graham.[1] It alleges that the Family Court has failed to consider the evidence, made incorrect factual or legal conclusions, and scheduled proceedings inappropriately. The petition asserts

[1] Graham has filed a separate petition for a writ of mandamus.

that the circumstances are harming the children physically, emotionally, and spiritually and are not in their best interests.

(2) The Family Court record reflects that DFS initiated dependency and neglect proceedings as to the children in August 2025. The children were placed in DFS custody and the statutory hearings ensued.[2] The children's paternal grandmother also filed petitions for guardianship of the children, and guardianship proceedings are ongoing as to at least one of the children. A hearing in the guardianship and dependency and neglect proceedings is scheduled for December 10, 2026.

(3) A writ of mandamus will issue only if the petitioner can show: (i) a clear right to the performance of a duty; (ii) that no other adequate remedy is available; and (iii) that the Family Court has arbitrarily failed or refused to perform its duty.[3] "[I]n the absence of a clear showing of an arbitrary refusal or failure to act, this Court will not issue a writ of mandamus to compel a trial court to perform a particular judicial function, to decide a matter in a particular way, or to dictate the control of its docket."[4]

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[2] *See Kline v. Del. Div. Family Servs.*, 293 A.3d 371, 2023 WL 2259101, at *1 n.3 (Del. Feb. 28, 2023) (TABLE) ("When a child is removed from home by DFS and placed in foster care, the Family Court is required to hold hearings at regular intervals under procedures and criteria detailed by statute and the court's rules." (citing 13 *Del. C.* § 2514; DEL. FAM. CT. R. CIV. PROC. 212-19)).
[3] *In re Bordley*, 545 A.2d 619, 620 (Del. 1988).
[4] *Id.*

(4) There is no basis for the issuance of a writ of mandamus here. Guzman has failed to demonstrate that the Family Court has arbitrarily failed or refused to perform a duty owed to her. Nor has she shown that she has no other adequate remedy. Guzman's dissatisfaction with the scheduling of hearings or the Family Court's legal or factual determinations does not establish grounds for a writ of mandamus. Rather, when the Family Court issues a final decision in the matter, Guzman can file a procedurally proper appeal. The extraordinary writ process is not a substitute for appellate review.[5]

NOW, THEREFORE, IT IS ORDERED that the petition for the issuance of a writ of mandamus is DISMISSED.

BY THE COURT:

/s/ Abigail M. LeGrow
Justice

[5] *See In re Buchanan*, 937 A.2d 139, 2007 WL 3361328, at *1 (Del. Nov. 14, 2007) (TABLE) (dismissing petition for writ of mandamus seeking to compel Family Court to rescind orders as to division of marital estate, and stating that the Court "will not permit the extraordinary writ process to be distorted into a substitute for appellate review").