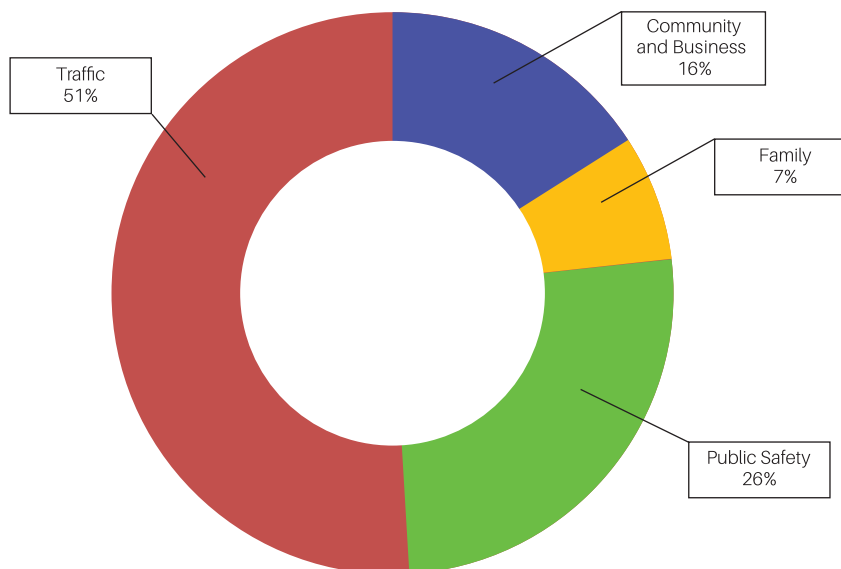


# THE DELAWARE COURT SYSTEM

Case Type as a Share of All Court Filings Fiscal Year 2023



## Legislation

The Judiciary's legislative team brings together representatives of the Courts and the Administrative Office of the Courts to enhance the effectiveness of the Judicial Branch's relationship with the General Assembly by serving as the main Judicial Branch contact for legislative matters and by monitoring and analyzing legislation for impact on the Judiciary. The following legislation supported by the Judicial Branch was passed during FY 24 by the 152<sup>nd</sup> General Assembly:

Bill Number	Description
HB 86	This Act establishes a right to counsel for indigent parents in DSCYF custody proceedings. Parent representation will primarily be provided by a legal services entity contracted with the Family Court, but may also be provided by the Office of Defense Services or a private attorney appointed by the Court.
SS 1 for SB 174	This Act adds Justices of the Peace, Commissioners in Superior Court, Family Court, Court of Common Pleas, and Magistrates in Chancery to the State Judicial Pension Plan.
SB 282	<i>Fees and fines reform.</i> This Act repeals the Senior Trust Fund Fee, the Interstate Compact Fee, and the Substance Abuse, Rehabilitation, Treatment, Education and Prevention (SARTEP) Fund Fee imposed on criminal defendants.
SB 283	<i>Fees and fines reform.</i> This Act repeals the DELJIS Fund fee imposed on criminal defendants.
SB 284	<i>Fees and fines reform.</i> This Act discharges balances owed by individuals ordered to pay a probation supervision fee under § 6504(14) of Title 11 of the Delaware Code or a Public Defender fee under § 4607 of Title 29 of the Delaware Code.
SB 285	This Act eliminates the requirement that Justice of the Peace Court constables reside within the State of Delaware.
SB 291	This Act removes the registration of trade names for sole proprietorships, partnerships, and associations in the Superior Court prothonotaries and places registration of such trade names with the Division of Revenue.

# THE DELAWARE COURT SYSTEM

*The Delaware Judicial Branch consists of the Supreme Court, the Court of Chancery, the Superior Court, the Family Court, the Court of Common Pleas, the Justice of the Peace Court, the Administrative Office of the Courts, and related non-judicial agencies.*

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## **Supreme Court**

- Court of Last Resort
- Final appellate jurisdiction for most criminal cases, civil cases, certain orders of the Court of Chancery, the Superior Court, and Family Court
- Issuer of certain writs
- Jurisdiction over questions of law certified to the courts

## **Court of Chancery**

- Equity Court
- Hears all cases in equity (typically corporate, trust, fiduciary matters, land sale, real estate, and commercial /contractual matters)
- Certain guardianship cases

## **Superior Court**

- Law Court
- Original statewide jurisdiction over all criminal and civil cases (except equity)
- Exclusive jurisdiction over nearly all felonies and drug offenses
- Intermediate appellate court from Court of Common Pleas, Family Court (adult criminal) and various state agencies, boards and commissions

## **Family Court**

- Legal and equitable jurisdiction over all domestic relations cases, including divorce, custody, guardianships, adoptions, visitation, child and spousal support and property division
- Jurisdiction over all juvenile offenses except certain serious offenses

## **Court of Common Pleas**

- All criminal misdemeanors (except certain drug offenses) and motor vehicle offenses (except felonies)
- Responsible for preliminary hearings
- Statewide jurisdiction in civil actions that do not exceed \$75,000
- Appeals from the Justice of the Peace Court, Alderman's Court and Division of Motor Vehicles

## **Justice of the Peace Court**

- Statewide jurisdiction over civil cases that do not exceed \$25,000
- Jurisdiction over certain misdemeanors and motor vehicle cases (except felonies)
- Jurisdiction over landlord/tenant (possession) cases
- Generally sets bail in most cases