

# **Related Forms**

Form 191 - Motion

Form 192 – Notice of Motion

Form 193 – Order

Form 240 – Information Sheet

All forms can be found on the Family Court Website at https://courts.delaware.gov/family

# Family Court Contact Information

## **New Castle County**

Leonard L Williams Justice Center 500 N. King Street Wilmington, DE 19801 302-255-0300

#### **Kent County**

Family Courthouse 400 Court Street Dover, DE 19801 302-672-1000

# **Sussex County**

Family Courthouse 100 East Market St Georgetown, DE 19947 302-855-7400

#### A GUIDE TO MOTIONS

# **MOTIONS**

### FAMILY COURT OF THE STATE OF DELAWARE

https://courts.delaware.gov/family

PLEASE NOTE! A Motion may only be filed if there is an underlying Petition pending. Therefore, if you have not filed a Petition, you must do so before you may file a Motion.

Please also note in most cases, a generic Motion (Form 191) can be filed; however, the Court provides a Form of Motion for a number of matters. Please see the list of specific Motions on the second page of this FAQ.

#### What is a Motion?

A motion is a way to request that the Court take a specific action in a case or grant specific relief in a case.

#### Who can file a Motion?

Any party to a case may file a Motion. A person who is not a party to a case, but believes that they should be a party, may file a Motion requesting that they be added as a party to the case.

#### What forms do I need to file?

If using the generic Motion, (Form 191), you must file the following forms:

- Motion (Form 191) (states the relief that you are requesting and the facts explaining why the Court should grant your request.)
- Notice of Motion (Form 192) (Notifies the other party that you have filed a motion.)
- Order (Form 193) (Prepared by you, it states the relief you are seeking. Be sure to include all the relief which you seek as the Hearing Officer may decide to sign the order as filed.)
- <u>Information Sheet (Form 240)</u> (Updates your information with the Court.)

# Where do I file my Motion?

You should file your Motion in the county where the underlying petition was filed.

#### How can I file my Motion?

You can file in person at the Resource Center in any Family Court building, you can file by mail, or you can file by email. Family Court does not accept filings by fax.

#### Is there a filing fee?

A filing fee is charged for any Motion filed under Family Court Rule of Civil Procedure 60(b) and a Motion to Reopen. All other motions may be filed free of charge. For a list of filing fees visit the Family Court website <a href="https://courts.delaware.gov/family/payment.aspx">https://courts.delaware.gov/family/payment.aspx</a> for a Schedule of Assessed Costs.

#### What email address do I use to file a motion?

To file by email, you must send the motion and required forms to the appropriate case type email address:

- Custody and Visitation Cases: FC Custody Visitation@delaware.gov
- Divorce and Ancillary Cases: FC DivorceAncillary@delaware.gov
- Protection from Abuse Cases: FC\_PFA@delaware.gov
- Guardianship Cases: FC\_Guardianship@delaware.gov
- Child Support Cases: FC\_ChildSupport@delaware.gov
- Termination of Parental Rights, Adoption, and Dependency/Neglect Cases:
  - FC CDN TPR Adoption@delaware.gov
- Adult and Juvenile Expungement Cases: FC Expungement@delaware.gov
- Substantiation Cases: FC Substantiations@delaware.gov
- Minor Name Change Cases: FC\_MNC@delaware.gov

Form more information on filing by email, please review the Civil Filing by Email FAQ: https://courts.delaware.gov/family/faqs.

#### How does the other party receive a copy of my Motion?

You must mail an exact copy of your Motion to the Other Party. You must do this prior to, or at the same time that you file your Motion with the Court. On the Motion Form, you will complete an Affidavit of Mailing. By signing this in the presence of a Notary Public or Court Clerk, you are attesting that you placed a copy of the Motion in the mail.

#### How long will it take for me to receive a decision?

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After receiving a copy of your Motion, the other party will have 10 days in which to file a response with the Court. The court will wait this length of time to make a decision to ensure that the Other Party has had the time allotted to them.

Based upon this time requirement, if you are filing a Motion that relates to a hearing date, such as a Motion for Continuance, you want to be sure and file at least 13 days prior to the hearing date to allow time for the Other Party to respond.

#### What are the form numbers and names of the specific Form of Motions? Altamatica Diamenta Dagalestian

1.	99P	Alternative Dispute Resolution
2.	98P	Alternative Dispute Resolution Practitioner
3.	650	Motion and Affidavit for Emergency Ex Parte Order
4.	651	Motion and Affidavit for Priority Scheduling
5.	652	Motion and Affidavit for Interim Relief
6.	198DN	Motion and Affidavit to be found Indigent and Request for Appointment of an Attorney
		in Dependency Neglect Proceedings.
7.	194	Motion for Appointment of a Guardian Ad Litem for a Minor Litigant
8.	470	Motion for Confidential Address
9.	457	Motion for Contempt of Order of PFA
10.	. 196	Motion for Continuance
11.	. 197	Motion for Dismissal
12.	. 261	Motion for Temporary Visitation
13.	253	Motion to Contest and Administrative Adjustment
14.	456	Motion to Modify, Extend or Rescind Order of Protection from Abuse
15.	. 191SOR	Motion to Review Sex Offender Registration
16.	254	Motion to Revoke Child Support