

FOR IMMEDIATE RELEASE

September 23, 2025

**The Court of Chancery Amends and Adds New Rules Affecting the
Magistrate Docket to Address the Incoming Title 16 Cases and Improve
Guardianship Procedures**

The changes amend Rules 116, 117, 144, 175, 176, 177, 178, 178-A, 178-B, 180-A, 180-C, and 180-D, and add new Rules 175-A and 175-B.

Chancellor Kathaleen St. Jude McCormick today signed an order adopting amendments to Court of Chancery Rules 116, 117, 144, 175, 176, 177, 178, 178-A, 178-B, 180-A, 180-C, and 180-D, and adding new Rules 175-A and 175-B. Title VXII of the Rules has also been retitled “Civil Miscellaneous Matters.” These amendments are effective as of September 30, 2025. The court has also updated its fee schedule to account for the new Title 16 actions.

The amendments resulted from a year-long effort led by Senior Magistrate Judge Selena E. Molina and Guardianship Operations Manager J. Renee Kinsey to prepare the court for new cases created under the Uniform Health-Care Decisions Act (the “Act”). The Act, which is effective September 30, 2025, created two new causes of action: (1) actions to determine an adult’s capacity, outside the guardianship context; and (2) actions to enjoin or enforce healthcare decision-making. Rules 175-A and 175-B will govern initial filings in these new actions. The court has also added forms for each action to the Court’s website, and File&ServeXpress has added a dropdown item for filing Title 16 actions.

The court also reviewed existing rules and procedures for civil miscellaneous actions and amended Rules 116, 117, 175, 176, 177, 178, 178-A, 178-B, and 180-C, as follows:

- The amendments to Rules 116 and 117 clarify the court’s expectations in accountings.
- The amendments to Rule 175 clarify the court’s expectations in guardianship petitions and final appointment orders to conform the

rules to existing procedure. They also conform the format of Rule 175 to that of Rules 175-A and 175-B.

- The amendments to Rule 176 address attorney ad litem fees and rename court “fact finders” as court “representatives” to better match their role in a civil miscellaneous proceeding.
- The amendments to Rules 177 and 178-B clarify the procedure for hearings, notice, and notarization in all civil miscellaneous matters.
- The amendments to Rules 178 and 180-C correct citations to Rule 175.
- The amendments to Rule 178-A remove outdated references, repealed by the Act, and clarify the powers of guardians on issues concerning life-sustaining treatment for a person with disabilities.

The court further revised Rules 144, 180-A, and 180-D to fill gaps and address outdated procedures.

- The amendments to Rule 144 close a gap identified for Magistrate reports issued in contested guardianships.
- The amendments remove Rule 180-A, which is obsolete.
- The amendments revise Rule 180-D to state that the Director of the Guardianship Monitoring Program may independently file reports through the court’s File&ServeXpress system.

Senior Magistrate Judge Molina remarked: “I am most grateful to Ms. Kinsey and the Guardianships Trusts & Estates Subcommittee of the Court of Chancery Rules Committee, who worked diligently to prepare the court for these new statutory causes of action.” She continued: “Ms. Kinsey’s leadership within the court’s guardianship docket is unmatched and I am confident that the court’s Magistrate Judges are prepared to handle these narrow and limited actions efficiently and justly.”

Chancellor McCormick explained that “the expansion of the Magistrate bench and the formation of new Title 16 actions prompted review of Court of Chancery rules pertaining to Magistrate proceedings. This last batch of rule amendments are part of a continuing effort to improve procedures and clarify expectations in those proceedings.” She continued, “I am immensely grateful to Senior Magistrate Judge Molina and Ms. Kinsey for their leadership in this effort.”

A copy of the order implementing the amendments may be viewed at the following web address: <https://courts.delaware.gov/forms/download.aspx?id=306518>.