



CIVIL FILING BY EMAIL

FAMILY COURT OF THE STATE OF DELAWARE

<https://courts.delaware.gov/family>

All forms can be found on the Family Court Website:

<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 19901
302-672-1000

Sussex County

Family Courthouse
22 The Circle
Georgetown, DE 19947
302-855-7400

During and after the Judicial Emergency, in the interest of protecting staff, litigants, and practitioners, Family Court is encouraging the use of alternative means of filing. Specifically, Family Court has expanded the ability of litigants to file in civil cases by email. Please continue reading for more information.

What case types can be filed by email?

In accordance with Family Court's Standing Order #3 issued June 29, 2020 (attached) and Rule 79.2 of the Family Court Rules of Civil Procedure, litigants may file pleadings and papers via email in the following case types using the assigned email:

- Custody and Visitation Cases: FC_CustodyVisitation@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

What documents can be filed by email?

As provided in Rule 79.2 of the Family Court Rules of Civil Procedure, pleadings and papers related to the above referenced case types can be filed using the appropriate email. This means that petitions, answers, motions, and any required papers can be filed through the email address for the specific case type. Although you can file answers, motions, and other papers with the Court by email, you are still responsible for serving copies of these documents on the other parties. Please see additional information below.

What format do my documents need to be in?

PDF is the preferred format for all documents. However, if you are not able to attach your documents to an email as a PDF, we will accept other attachable formats. If you are taking a picture of your document to attach, please make sure it is legible and other objects are not part of the picture. We cannot accept documents that require us to click on a link to open them, or documents that are stored on cloud based services such as a Google Drive.

I am filing a petition, what other forms do I need to file with my petition?

Each petition has forms that are required to be filed along with the petition. The required forms for each petition are listed in the Instruction Packet and Frequently Asked Questions related to the specific case type. Please review the applicable Instruction Packet and FAQ for information on the required forms, which are available on the Family Court website: <https://courts.delaware.gov/family>

If I am filing a petition by email, how do I pay the filing fee?

When filing by email, you may only pay by credit card. Family Court staff will call you for credit card information. Because of this, it is important that you include your phone number in the email communication to the Court. **Your petition will not be considered fully processed until the filing fee is paid.** As explained below, if you are unable to pay by credit card, you may file by mail enclosing a check or money order with your petition.

How are the documents filed by email served on the other parties?

The Court will continue to serve petitions filed by email. All other pleadings and papers (including answers, motions and reports) must be served by the parties. This means that if you are filing by email any document other than a petition, you must send a copy of the document to all of the other parties as required by the Family Court Rules of Civil Procedure.

How can I sign a document I want to file by email?

Rule 79.2 of the Family Court Rules of Civil Procedure provides that signatures on pleadings and papers filed by email can be either handwritten or electronic. If an electronic signature is used, it must be in the format of “/s/ Full Legal Name.”

What if my document needs to be notarized or requires an affidavit?

Rule 79.2 of the Family Court Rules of Civil Procedure further provides that for most pleadings and papers filed by email Unsworn Declarations can be used instead of verifications, sworn declarations, affidavits, and notarized signatures. Family Court Form 677 (available at <https://courts.delaware.gov/forms/>) may be used with applicable pleadings and papers that are submitted without being notarized.

**** Please note that an Unsworn Declaration may not be used with a Parental Consent to any of the following: Termination of Parental Rights, Permanent Guardianship, or Guardianship, with a Consent Parentage Decree, or with any Consent filed in an Adoption proceeding.**

What if I am unable to file my petition, answer, or papers by email?

While civil litigants are encouraged to file by email, pleadings and papers may still be mailed to the Family Court. Family Court will also accept pleadings and papers delivered in person to any Family Court courthouse. Each Family Court location also has a drop box that litigants may use. In New Castle County, there are blue bins located after the security checkpoint. In Kent and Sussex County, there is a drop box at the entrance of the Family Court building. When the courthouses are open to the public, litigants may also file directly with Family Court staff. Self-represented litigants are reminded that forms and information are available 24 hours a day on the Family Court website at <https://courts.delaware.gov/family/>

The Instruction Packet says that I need to file the original and one (1) copy of my petition and required forms. Do I need to do that if I am filing by email?

No, Family Court will print the emailed filed petition and required forms to serve them on the respondent(s). Please also note that you will not receive a “clocked-in” copy for your records. For your records, you should print out the documents you filed along with a copy of the email you sent to the Court. These documents can serve as your copy.

IN THE FAMILY COURT OF THE STATE OF DELAWARE

**STANDING ORDER # 3
CIVIL FILING BY EMAIL
DURING AND AFTER THE
COVID-19 STATE OF
EMERGENCY**

WHEREAS, the Centers for Disease Control and Prevention has determined that a novel coronavirus (“COVID-19”) presents a serious public health threat, and this threat is affecting Delaware;

WHEREAS, under his authority set forth in 20 *Del. C.* ch. 31, Governor John C. Carney declared a State of Emergency for the State of Delaware due to the public health threat caused by COVID-19, and extended the State of Emergency on April 10, 2020, May 8, 2020, and June 6, 2020;

WHEREAS, under 10 *Del. C.* § 2004, the Chief Justice, in consultation with other members of the Supreme Court, declared a judicial emergency that went into effect on March 16, 2020 at 8:00 a.m. and which has been continued through July 8, 2020 through subsequent orders of the Supreme Court;

WHEREAS, in the interest of protecting litigants, practitioners, court staff, and the public, the Family Court of Delaware has implemented, and will continue to implement, certain precautionary measures;

WHEREAS, in Standing Order No. #2, in an effort to limit person-to-person contact while ensuring access to justice, Family Court permitted the filing of civil emergencies by email;

WHEREAS, given the ongoing State of Emergency and the continued need to limit person-to-person contact, it is necessary to expand the ability of litigants to file civil pleadings and papers via email;

NOW, THEREFORE, it is **HEREBY ORDERED**, this 29th day of June 2020, that the Family Court will implement effective July 1, 2020, the following precautionary measures related to civil filings, which will remain in place until further order of the Court:

1. In accordance with Rule 79.2 of the Family Court Rules of Civil Procedure, litigants may file pleadings and papers via email in the following case types using the assigned email:

Custody and Visitation Cases: FC_CustodyVisitation@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

Effective July 1, 2020, the FC_COVID19@delaware.gov email should no longer be used. Instead, the above case type specific emails should be used for regular and emergency filings.

2. Pleadings and papers filed via the above emails will be deemed received when they arrive in the email box.

3. Family Court will serve petitions filed via email in the same way it serves petitions filed in person or by mail. The parties are responsible for serving all other pleadings and papers in accordance with the Family Court Rules of Civil Procedure, particularly Civil Rule 5.

4. While civil litigants are encouraged to file by email, pleadings and papers may still be mailed to the Family Court at any of the below addresses.

Family Court will also accept pleadings and papers filed in person. Self-represented litigants are reminded that forms and information are available 24 hours a day on the Family Court website at <https://courts.delaware.gov/family/>

Family Court – New Castle County Leonard L. Williams Justice Center 500 N. King Street Wilmington, DE 19801	Family Court – Kent County 400 Court Street Dover, DE 19901	Family Court – Sussex County 22 The Circle Georgetown, DE 19947
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5. Except as noted below, as related to pleadings and papers filed in Family Court, Unsworn Declarations may be used in lieu of verifications, sworn declarations, affidavits, and notarized signatures. An Unsworn Declaration **may not** be used with:

- (a) Parental Consents to any of the following: Termination of Parental Rights, Permanent Guardianship, or Guardianship,
- (b) Consent Parentage Decrees, or
- (c) Consents filed in an Adoption Proceeding.

Family Court Form 677 (available at <https://courts.delaware.gov/forms/>) may be used with applicable pleadings and papers that are submitted without being notarized.

6. Pleadings and papers filed by email, mail, or in person must include a signature. The signature may be handwritten or electronic. If an electronic signature is used, it must be in the format of “/s/ Full Legal Name.”

7. If you have questions about an upcoming civil or criminal hearing in Family Court, please call the Family Court Call Center at 302-255-0300.



Chief Judge Michael K. Newell