

Announcement

Addition of Rule 79.2 to the Family Court Rules of Civil Procedure

By Order dated May 14, 2020 and effective July 1, 2020, the Delaware Family Court has added Rule 79.2 to the Family Court Rules of Civil Procedure (the “Rules”).

Rule 79.2 relates to filing in civil cases by email. Throughout the COVID-19 State of Emergency, Family Court has accepted civil emergency filings by email. In order to expand this process for the longer term, Family Court has adopted Rule 79.2. This new rule provides that the Chief Judge of Family Court, by Order or Administrative Directive, can authorize the Family Court to accept pleadings and papers by email. Together with the implementation of Rule 79.2, Chief Judge Michael K. Newell is issuing Standing Order #3. Standing Order #3, which will be effective July 1, 2020, authorizes litigants to file by email pleadings and papers in the following case types: custody, visitation, divorce, ancillaries, protection from abuse, guardianship, child support, termination of parental rights, adoption, dependency/neglect, expungement, substantiation, and minor name change.

Rule 79.2 establishes requirements related to email filing. Specifically, Rule 79.2 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.” Rule 79.2 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. 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. Finally, Rule 79.2 confirms that the Court will continue to serve petitions filed by email, but that all other pleadings and papers must be served by the parties.