



FAMILY COURT OF THE STATE OF DELAWARE

EMERGENCY & EXPEDITED RELIEF

If you believe you need the Family Court's assistance earlier than under the usual procedures, **Family Court Civil Rule 65.2** provides alternatives. Please be aware, however, that emergency relief and priority scheduling are available only in **extraordinary circumstances**, and that the majority of cases must follow normal processing and scheduling procedures.

Do NOT use these processes for PROTECTION FROM ABUSE (PFA). To seek PROTECTION FROM ABUSE, Please use Form 654.

The four types of expedited relief you may request are:

- Emergency *Ex Parte* Order
- Motion for Priority Scheduling
- Motion for Interim (Temporary) Relief
- Temporary Visitation Order

Motion and Affidavit for Emergency *Ex Parte* Order (Form 650)

A Motion Emergency *Ex Parte* Order requires:

1. You must file, or you or the other party must already have filed, a petition for what you are generally seeking, such as for custody or guardianship, and
2. The complete Form 650 explaining how **immediate and irreparable harm** will result if your request is not granted.
3. A good faith attempt must be made to mail a copy of the motion to the opposing party.

Your application will be forwarded to a Hearing Officer the same day (or next business day) usually WITHOUT notice to the opposing party. Your application may not be ruled upon the same day it is received.

The Hearing Officer will either:

- Issue an Emergency *Ex Parte* Order and schedule a hearing within fifteen days to provide the opposing party the opportunity to be heard, or
- Deny the emergency application but schedule an emergency hearing, or
- Deny the emergency application and direct the case to proceed in the usual course of business.

You will be notified by telephone of the result.

Motion for Priority Scheduling (Form 651)

A Motion for Priority Scheduling is a request to have your petition be heard sooner than it would in the usual course of business. To obtain priority scheduling, you must

1. File, or you or the other party must already have filed, a petition for what you are generally seeking, such as for custody or guardianship, and
2. Complete Form 651 explaining how **immediate and irreparable harm** will result if your request is not granted, and
3. Mail a copy of the motion to the opposing party.

Your motion will be referred to Hearing Officer to be decided only AFTER the opposing party has been served and given an opportunity to respond.

Motion for Interim (Temporary) Relief (Form 652)

You may also file a Motion for Interim or Temporary Relief such as for financial relief or temporary custody of a non-emergency nature. “Temporary” means for a specific period of time. “Interim” means until a full hearing can be held. Like the other motions, you or the other party must already have filed a petition and you must mail a copy of the

motion to the opposing party. Unlike a Motion for an Emergency Ex Parte Order, Motions for Interim or Temporary relief cannot be ruled upon until the responding party has been served with the underlying petition and given time to respond. The assigned Hearing Officer will sometimes schedule a hearing on the motion.

Temporary Visitation Order (Form 261)

A parent may file a Motion for Temporary Visitation. An order for temporary visitation is available if:

1. A petition for custody, visitation, or guardianship has been filed by a parent or guardian and at least one Respondent has either been served or otherwise appeared in the case, **AND**
2. The party seeking temporary visitation is a parent, **AND**
3. There is no existing enforceable contact (or visitation schedule), including a contact schedule contained within a Protection from Abuse order, **AND**
4. The parent is experiencing less contact with their children than is routinely awarded by the court.

The parent seeking visitation may be either the petitioner or a respondent. If they are the petitioner, they may file a Motion for Temporary Visitation with their petition, but it will not be scheduled or ruled upon until personal jurisdiction over the opposing party has been confirmed. If they are a respondent, their filing of a Motion for Temporary Visitation will constitute a voluntary appearance and establish personal jurisdiction.

Once personal jurisdiction has been established over the Respondent, the Court will:

- Schedule a hearing on special temporary visitation calendar,
- Schedule a hearing before the assigned judge, or
- Ruled upon by the papers.

Once the Motion for Temporary Visitation has been ruled upon, the underlying petition will proceed in the usual course of business.

Related Forms:

Form 261 – Temporary Visitation Order

Form 650 – Motion and Affidavit for Emergency *Ex Parte* Order

Form 651 – Motion for Priority Scheduling

Form 652 – Motion for Interim (Temporary) Relief

All forms can be found on the Family Court Website.

Family Court Contact Information

New Castle County	Kent County	Sussex County
500 NORTH KING STREET WILMINGTON, DE 19801 (302) 255-0300	445 SOUTH GOVERNORS AVENUE DOVER, DE 19904 (302) 672-1000	100 EAST MARKET STREET GEORGETOWN, DE 19947 (302) 855-7400

