

Announcement
Adding Rules 402 through 408 and Amending Rules 400 and 212 of the
Family Court Rules of Civil Procedure

By Order dated June 23, 2025, and effective January 5, 2026, the Delaware Family Court has added Rules 402 through 408 and has amended Rules 400 and 212. Chief Judge Michael K. Newell shared “this is the first set of comprehensive rules by our Court governing protection from abuse (PFA) proceedings. I thank Commissioner Andrew Southmayd for leading this project to craft rules that provide transparency, clarity, and consistency in how the Court handles PFA cases.” These rules were developed through extensive collaboration with private attorneys, domestic violence advocates, and other key stakeholders across the state. “The new rules establish uniform procedures for PFAs throughout the State, protect due process rights, and expedite the long-term consideration of child custody, visitation, and support,” said Commissioner Southmayd.

Key features of the new rules include:

- (1) memorialization of established Court practices, which provides greater predictability and transparency.
- (2) the use of plain language to help self-represented individuals better understand their rights and responsibilities.
- (3) continuing jurisdiction in child custody and child support proceedings.
- (4) provisions addressing the protection of vulnerable individuals especially the establishment of uniform procedures for the protection of minor children.
- (5) reinforced procedures that promote due process and ensure that both petitioners and respondents have the opportunity to be heard.

The Court has also amended Rule 212 to clarify the timing of Court proceedings when the Department of Services for Children, Youth, and Their Families has requested emergency removal of a child.