The Family Court of the State of Delaware

MICHAEL K. NEWELL
CHIEF JUDGE

LEONARD L. WILLIAMS JUSTICE CENTER
500 N. KING STREET, SUITE 9445
WILMINGTON, DELAWARE 19801-3703

March 13, 2026

M-------- W------
-- ------ ---
----------, -- -----
-------.---------@gmail.com

M------ S------
--- ---------- --
-----, -- -----
--------@yahoo.com

**LETTER DECISION AND ORDER**

**Re: M-------- W------ v. M------ S------**
**File No.: CN24-01091; Petition No.: 26-02990**

Dear Ms. W------ and Mr. S-------:

On February 27, 2026, the Court conducted an expedited hearing on the Motion and Affidavit for Emergency *Ex Parte* Order filed by M-------- W------ ("Mother"). Participating in the hearing were Mother, representing herself, and M------ S------ ("Father"), representing himself. This matter pertains to the parties' minor child: M------- S------- ("M--------"), born --------- -, 2022.

During the hearing, the Court heard testimony from both parties and reserved its ruling on the matter. At the conclusion of the hearing, the Court announced its interim order.

***Legal Standard***

Pursuant to Family Court Rule of Civil Procedure 65.2(a), the Court may enter an Emergency *Ex Parte* Order upon motion of any party or upon the Court's own motion upon a determination that immediate and irreparable harm will result in the event that the Emergency *Ex Parte* Order is not entered.[1]

[1] Fam. Ct. Civ. R. 65.2 states:
"The Court may enter an emergency ex parte order upon the motion of any party or upon the Court's own motion. Such orders may be entered without notice only where the Court

Concerning the underlying custody petition, the Court will refer the parties to mediation as required by Family Court Rule 16.1(b).[2]

***Procedural History***

On February 18, 2026, Mother filed a Petition for Custody requesting the Court to award primary residential placement and joint custody to both parties, with visitation every other weekend for Father.

On February 24, 2026, Mother filed a Motion and Affidavit for Emergency *Ex Parte* Order, requesting temporary sole custody with primary residential placement with visitation for Father, and a Petition for Protection from Abuse.[3] She alleged that M------- exhibits significant emotional distress before visitation. She claimed that M------- is physically disciplined by Father and is fearful of him. Mother also alleged that M------- experiences repeated episodes of vomiting while in Father's care during mealtimes and is required to clear his plate. Lastly, Mother alleged that Father has refused to return M------- after his visitation time ended.

By Order dated February 24, 2026, the Court denied Mother's request for emergency *ex parte* relief, as it did not find that immediate and irreparable harm would result in the event that the order is not entered, and scheduled this priority hearing for February 27, 2026.

---

> determines, by affidavit or by verified complaint, that immediate and irreparable harm will otherwise result. The moving party must certify to the Court reasons supporting the claim that notice should not be required. In all cases in which a party other than the Department of Services for Children, Youth and their Families (DSCYF) seeks ex parte relief, the Court shall examine the Delaware criminal history of the parties prior to granting custody or guardianship, and may review a summary of the parties' history provided from the Division of Family Services, including substance abuse and mental health records. The Court's Order shall reflect the nature of the information obtained from the summary and the current DSCYF social worker assigned to the family, if applicable. The Court may require the appearance of the DSCYF social worker at trial. The Court's review of information provided by the Division of Family Services is for ex parte purposes only and is not a determination of admissibility of such information at a subsequent hearing. No ex parte order shall be extended past fifteen days without an evidentiary hearing which affords the adverse party an opportunity to be heard, unless extended by the Court for good cause shown."

[2] Fam. Ct. Civ. R. 16.1(b): "(1) guardianship proceedings seeking initial, modification or rescission decrees, a mediation conference(s) with the parties shall be held by a Court staff mediator to identify the specific areas at issue and to attempt amicable settlement of all unresolved issues or, in the alternative, to limit those issues which must be submitted to the Court for determination. Attorneys of the parties may attend and participate in the conference(s) at their election."

[3] By Order dated February 24, 2026, the Petition for Protection from Abuse was dismissed.

## *Factual Background*

The parties were never married. The parties resided together until May 2023. M------- currently resides with Mother. There is no legal custody agreement between the parties. The parties have a verbal agreement regarding visitation, where Father's visitation occurs from Friday afternoon to Sunday afternoon. Father testified that, in addition to this schedule, he sometimes has M------- for a longer period due to holidays that fall on a Friday or Monday, or for family vacations.

Mother is 25 years old and resides at -- ------ ------, ----------, Delaware. Mother lives with her mother and stepfather, who are the owners of the property. Mother testified that she has lived at this location for most of her life, until she lived with Father. She briefly resided in --------- and moved back to -- ------ ------, where she has remained ever since. Mother works as a teacher at ---------- ----- ---------- ------ at ---- ----- ---- in ----------, Delaware. Her hours are from 7:45 a.m. to 4:30 p.m.

Father is 27 years old and resides at --- ---------- ----, -----, Pennsylvania. Father lives at this residence with his wife, C--- S------- ("Ms. S-------"), son, L--- S------- ("L---"), and stepson, D----- M----- ("D-----"). Father testified that Ms. S------- does not currently work because she is taking care of L---. Father works in public works for ---- --------- -------- in -----, Pennsylvania. He maintains roadways and storm water systems. His hours are from 6:00 a.m. to 2:30 p.m., Monday through Friday. Father testified that he is occasionally called in for weather emergencies.

## *Testimony*

Mother testified that since M------- was born, Father has spent time with him every weekend from Friday afternoon to Sunday afternoon. When Father has M-------, he stays at Father's house.

The Court inquired about what prompted Mother to file the Motion. Mother testified that M------- was very upset when she told him he needed to go to Father's house on February 20, 2026, for a visit. Mother stated that he was still crying when walking into Father's house. The door was slammed in Mother's face, and she has not had contact with M------ since February 20, 2026. Mother reported that she asked Father multiple times when he would return M-------. Father eventually responded, stating that he would be returning M------ on "February 29, 2026."[4] Mother stated that ----- -------- Police conducted a welfare check.

[4] The last day of February 2026 is the 28th. Father testified that giving Mother the 29th as a return date was mistake on his part.

Mother testified that M-------'s fear of going to Father's house has been an ongoing issue for a few months. Mother testified that M------- indicated that Father spanked him for a toileting accident and has spanked him multiple times. Mother stated that she and Father have not discussed the issue of discipline regarding M-------. However, she did ask him about it once, but he did not respond.

Mother testified that M------- attends pre-primary at the school where she works. M-------'s hours are from 7:45 a.m. to 3:00 p.m. Since Mother works until 4:30 p.m., M------- attends aftercare until 4:30 p.m.

Mother reported that M------- has an issue with maintaining his food without vomiting. She stated that his pediatrician, Dr. R----- O------- ("Dr. O-------"), recommended that he not be forced to clear his plate, as it could be a contributing factor to the vomiting. Mother reported that Father was not at this meeting, but that she communicated this to Father. She testified that Dr. O------- referred her to a gastroenterologist specialist, who did not have an answer to M-------'s food issues. Mother reported that she is waiting for an appointment for food therapy.

Father confirmed that his visitation schedule is every weekend from Friday afternoon to Sunday afternoon. Father testified that he did not see M------- the entire weekend starting on February 13, 2026. Father was alerted by a text message from Mother that M------- was sick on the 13th. Father reported that he attempted to contact Mother by text and phone and tried to pick up M------- at her residence.

Father reported that he has had M------- in his care since February 20, 2026. The Court inquired why M------- had not been returned to Mother's care after his visitation time ended. Father stated that he was making up for involuntarily missed parenting time during the weekend starting on February 13, 2026. Moreover, Father stated that family was coming for L---'s first birthday on February 28, 2026, from 3:00 p.m. to 6:00 p.m., and that M------- was very excited to attend the party. Father testified that he had not taken M------- to school during the week of February 23, 2026, because he was worried that Mother would take M------- since she works there. Father testified that he received the phone calls and text messages from Mother asking about M------- during the weekend of February 20, 2026. The Court inquired why Father had not responded to Mother's contact. Father testified that he did not respond because he was not given answers as to why M------- was not dropped off at his house the weekend of February 13, 2026. Mother testified that it was true that she did not respond, stating that she wanted to avoid conflict.

Father testified that he makes M------- clear his plate to follow the doctor's orders for maintaining nutrition. Father explained that M------- has been throwing up his

food since November, which has occurred almost every mealtime. Father reported that he and Mother have been communicating about M-------'s nutrition issues.

The Court inquired whether Father has used physical discipline against M-------. Father stated that he has not, and that the allegations made by Mother are false. The Court asked Father whether M------- had ever expressed an unwillingness to be in his care. Father reported that he knows that when Mother drops M------- off, M------- indicates a desire to be with his maternal grandmother, but after five minutes, he is fine.

The Court informed the parties that Mother and Father are joint natural custodians of M--------.[5] The Court informed the parties that it does not find acceptable that neither Mother nor Father was responsive to one another's communications during the February 13th and 20th incidents. The Court informed Father that it does not condone self-help in taking M------- without returning him to Mother or responding to her communication.

Father testified that he filed electronic evidence. Mother confirmed that she received it. Mother testified that she has no objections to the Court reviewing it. Father testified that he submitted it because he believes the social media posts are demeaning. The Court stated that it would review the social media posts, and if it found something disturbing, it would notify the parties.

The Court reviewed the electronic evidence and notes that while it does not impact its decision made from the bench, it is nevertheless concerning as it relates to Mother's mental health (self-harm) and her statement about an unregistered Glock and her willingness to use it. The Court will examine these issues further at the final hearing.

Based on the evidence presented at the hearing, the Court entered the following interim order on the record at the conclusion of the hearing:

**IT IS HEREBY ORDERED** this **13th day** of **March** that:

1. The parties shall have **JOINT LEGAL CUSTODY** of M--------.

2. M------- shall be in Mother's primary care.

3. The parties' verbal agreement that Father's visitation occurs from Friday afternoon to Sunday afternoon shall remain in effect.

4. M------- was to be returned to Mother by 6:30 p.m. on February 28, 2026.

[5] *See* 13 *Del. C.* §701

5. Father shall contact Dr. O------- to discuss M-------'s nutrition and food consumption.

6. M------- shall not be forced to clean his plate at mealtimes.

7. Neither party will physically discipline M-------.

8. The parties shall communicate reasonably and civilly.

9. Mother's underlying custody petition shall proceed to mediation scheduling in the normal course of business.

10. This is an **INTERIM ORDER.**

**IT IS SO ORDERED**.

Very truly yours,

*/ Michael K. Newell /*
MICHAEL K. NEWELL, Chief Judge

MKN/md

Date emailed: 3/13/2026