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 26, 2026

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---------@yahoo.com

LETTER DECISION AND ORDER

D----- L. T------
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---------@gmail.com

Re: T---- S---- v. D----- T------ --.
File No.: CN26-01478; Petition No.: 26-03148

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

On March 10, 2026, the Court conducted an expedited hearing on the Motion and Affidavit for Emergency *Ex Parte* Order filed by T----- S---- ("Mother"). Participating in the hearing were Mother, representing herself, and S-------- B----- ("Ms. B-----"), Division of Family Services ("DFS") investigator. D----- T------ ("Putative Father") did not appear.[1] This matter pertains to the parties' minor child: N---- P------ ("N----"), born ----- --, 2023.

During the hearing, the Court heard testimony from Ms. B----- and Mother. At the conclusion of the hearing, the Court announced its interim order and scheduled a hearing for the underlying custody petition.

[1] A copy of the Court's Emergency *Ex Parte* Order, which included the date and time for the expedited hearing, was mailed to his three known addresses and his email address.

Procedural History

On February 24, 2026, Mother filed a Motion and Affidavit for Emergency *Ex Parte* Order. Mother alleged that Putative Father took N---- from her care and was keeping her in unsafe conditions. Mother also filed a Petition for Custody, seeking sole legal custody and primary residency, and no visitation for Putative Father. Mother stated that Putative Father has never taken care of N---- or provided her with necessities.

By Order dated February 25, 2026, the Court granted Mother's request for emergency *ex parte* relief and scheduled this priority hearing for March 10, 2026, per Family Court Civil Rule 65.2. The Court ordered DFS to investigate and attend the hearing to provide testimony regarding its investigation. The Court also requested that local law enforcement assist in returning N---- to Mother.

Factual Background

The parties were never married. Mother testified that she and Putative Father resided together in 2023 while she was pregnant with N---- and they were involved with this Court regarding a dependency/neglect case involving unexplained injuries to their other child, O----- P------ ("O-----"). Mother testified that following the termination of parental rights of O----- and the birth of N----, the couple has not resided together. Mother stated that N---- has lived with her since birth. Mother would allow Putative Father to visit N----, but only in her presence. Parentage has never been established for N---- and Putative Father and the Court ordered genetic testing.

Mother is 28 years old and resides at --- ----- ----------, ----------, Delaware. Mother lives with N---- and her minor sons, D------ P----- ("D------"), and D----- P----- ("D-----"), who are not Putative Father's children. Mother testified that her younger brother, K------ P------ ("Maternal Uncle"), occasionally resides with her. Mother testified that she is currently looking for a job.

Putative Father is 33 years old. The Court's records indicate that Putative Father is listed as having the following three addresses: --- - -- ------ ----------, Delaware; --- ---- ------, ----- -----, New Jersey; and --- ----- ------ ------, ----------, Delaware. Mother testified that Putative Father is unemployed and was unsure about whether he has substance abuse issues.

Testimony

The Court first asked whether N---- had been returned to Mother's care since she filed the petition and the Court granted the emergency *ex parte* order. Mother stated that she was returned on February 25, 2026, at 11:45 p.m.

In response to the Court's order that the Division of Family Services investigate, Ms. B----- appeared and provided the Court information on her investigation regarding N----. When she contacted Mother, N---- had already returned to her care. On March 3, 2026, Ms. B----- visited Mother's home, where she interviewed her, observed N----, and spoke with her sons, D------ and D-----. Ms. B----- assessed Mother's home and concluded that it was appropriate and safe. Ms. B----- assisted Mother by purchasing cleaning items for the home. Ms. B----- testified that she received collateral information from Nemours which indicated that N---- had no health concerns. N---- received a flu vaccination in December and needed a well visit scheduled for June 2026. Ms. B----- confirmed that N---- is up to date on all immunizations and doctor appointments.

Ms. B----- testified that she tried contacting Putative Father by email on March 3, 2026. He replied on March 4, 2026, stating that he believes DFS only takes children away and refused to speak with her. Ms. B----- explained that there was an open investigation involving him and asked if he would meet with her. On March 5th or 6th, Putative Father declined to meet. On March 7th, Putative Father offered to meet only if DFS paid him $250 via Cash App. Ms. B----- informed him that that is not how DFS operates.

Ms. B----- testified that DFS recommends that N---- remain in Mother's care.

The Court asked Mother what led N---- to be taken away from her care by Putative Father. Mother testified that approximately one week prior to N---- being taken on February 22, 2026, Mother had an argument with Putative Father's mother ("Paternal Grandmother"), who was staying at her home. Paternal Grandmother called DFS to report Mother and trashed her house with Putative Father's sister. After this incident, Putative Father came to Mother's home to check on her and the children, and Mother thought he was genuinely concerned. Mother testified that she and Putative Father were cordial for three days, but then his behavior changed. Mother reported that Putative Father was at her home with one of Putative Father's friends whose name is unknown, but whose street name is D-----. Mother testified that she asked Putative Father and his friend to leave and threatened to call the police if he did not. Meanwhile, D------ took D----- and N---- upstairs, and D------ called the police. Mother testified that she gave Putative Father three warnings before guiding him out of the door and locking it. Putative Father returned and asked to retrieve his belongings

from Mother's home. Mother testified that she allowed his friend into the home to retrieve the belongings. Once inside, the friend told Mother that he was going to the bathroom, but instead of going to the bathroom, the friend took N---- from the home and gave her to Putative Father. When the police arrived, Mother told them that Putative Father had left with N---- and gave them the friend's street name. The police conducted a wellness check with Mother, D------, and D-----.

The next day, when N---- was not returned to Mother and Putative Father was not responding to her calls and text messages, Mother called the police and reported N----'s abduction at 10:00 a.m. She testified that the dispatcher told her they could not help because she did not have legal proof of full custody or a document stating that Putative Father cannot have N----. Mother was informed that a police officer would arrive, but after two to three hours, no one arrived. During this time, Mother was continually calling and texting Putative Father, but he did not respond.

On February 24, 2026, Mother filed the Petition for Custody and Motion and Affidavit for Emergency *Ex Parte* Order. Following the issuance of the Emergency *Ex Parte* Order on February 25, 2026, Mother testified that with the assistance of the police, Mother was able to retrieve N---- from Putative Father from a park on -- ------ at approximately 11:45 p.m.

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The Court informed Mother that it would determine whether it still has Putative Father's genetic sample from 2023, when he was determined to be the Father of O-----. This Order confirms that the Court does have Putative Father's genetic sample and will order paternity testing for N----.

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 **26th day** of **March, 2026** that:

1. Mother shall have **SOLE LEGAL CUSTODY** of N----.

2. Putative Father shall have no contact or visitation with N---- until parentage is established. Should Mr. T------'s parentage be established through genetic testing, he may file a petition for visitation. The Court will schedule a time for Mother to appear with N---- P------, born ----- --, 2023, for genetic testing. The cost will be advanced by the Court, subject to being assessed against one or both of parties, once the genetic test results have been received.

3. The Court will hold a brief **15-minute** Case Management Conference by Zoom on **April 21, 2026, beginning at 9:00 a.m.,** to discuss the hearing scheduled for **May 19, 2026.**

4. A three (3) hour custody trial has been scheduled for **May 19, 2026** beginning at **9:00 a.m.** The parties shall report to the **3rd Floor Information Desk** to be directed to the Courtroom for the hearing. **THIS WILL BE YOUR ONLY NOTICE OF THE HEARING**.

5. Failure by parties to comply with this Order may result in the dismissal of the petition(s) and/or canceling of scheduled hearings. Failure by one party to comply with this Order may result in the entry of a default judgment in favor of the other party.

6. This is an **INTERIM ORDER.**

IT IS SO ORDERED.

Very truly yours,

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

MKN/md

cc: S-------- B-----, DFS (by email)
N-------- S----, (by email)

Date emailed: 3/26/2026