

Announcement
Amendments to Rules 5, 53.1, 77, 86, 87.2, 90.1, 101, 104.1, 104.2, and 112
of the Family Court Rules of Civil Procedure

By Order dated September 22, 2021, and effective December 1, 2021, the Delaware Family Court has amended Rules 5, 53.1, 77, 86, 87.2, 90.1, 101, 104.1, 104.2, and 112 of the Family Court Rules of Civil Procedure (the “Rules”).

These amendments are a continuation of Family Court’s ongoing, comprehensive review of its civil procedure rules. The amendments are designed to make the Rules more readable and user friendly for self-represented litigants. Several amendments remove or modernize outdated and unnecessary language or add language to reflect modern technologies. As an example, amended Rule 5 will require service of pleadings (excluding petitions) and papers to occur in a manner reasonably calculated to ensure delivery of the copy before or at the time of filing, including the use of electronic mail. Other Rules, including amended Rule 87.2 concerning venue and transfer of actions between counties and amended Rule 90.1 concerning confidential location information, are amended to reflect the current practices of Family Court.

Also notable are the amendments to Rules 53.1 and 101. Rule 53.1 extends the time to file a review of Commissioner’s Order from 10 days to 20 days. Among the amendments to Rule 101 include that which provides that previously filed marriage (or civil union) certificates may be substituted by reference in a divorce proceeding and that which clarifies a petitioner may file a Request to Proceed prior to receiving a Notice of Trial Readiness when a divorce action is trial ready.