

Announcement
Amendments to Rules 1 through 15, 17 and 302 of the
Family Court Rules of Civil Procedure

By Order dated July 18, 2018 and effective 30 days after notice is given to the Bar, the Delaware Family Court has amended Rules 1 through 15, 17 and 302 of the Family Court Rules of Civil Procedure (the “Rules”).

The amendments to Rules 1 through 15 are designed to make the Rules more readable and user friendly for self-represented litigants. Several amendments remove or modernize outdated and unnecessary language, while other Rules are amended to reflect the current practices of Family Court. Of particular note is the amendment to Rule 8. Current Rule 8 provides that a party does not need to file an answer in a child support case. Amended Rule 8 makes clear that a party also does not need to file an answer in a parentage or protection from abuse case. Additionally, a number of amendments encourage the use of Family Court created forms. Family Court forms have been produced to help litigants who represent themselves best present their cases to the Court. Family Court forms are available on Family Court’s website: <https://courts.delaware.gov/family/>

Rule 17 deals with the appointment of guardians ad litem for children and incompetent parties. Amended Rule 17 has been reorganized to be more user friendly. Specifically, the amendment separates the provisions related to children from those related to incompetent parties. The information is further separated into sections and subsections as opposed to the current paragraph format. This separation allows the reader to easily reference the relevant information. Amended Rule 17 explains when appointment of a guardian ad litem is required, who may seek the appointment of a guardian ad litem, what information needs to be included in the motion to appoint, and how service of the motion is to be accomplished. By doing so, Amended Rule 17 establishes a clear, easy-to-read process that can be followed if appointment of a guardian ad litem is necessary.

Current Rule 302 allows the Division of Child Support Services (“DCSS”) to adjust child support accounts under certain circumstances. Amended Rule 302 expands the list of circumstances to include account adjustments resulting from the death of a participant, termination of enforcement and reduction of arrears at the request of the recipient, as well as other rarely contested situations. Amended Rule 302 also requires DCSS to notify the participants of the administrative adjustment. Any participant can then object and request a hearing in Family Court. This process of administrative adjustment is more efficient than the filing of traditional motions and petitions and reduces inconvenience to the public.