

IN THE FAMILY COURT OF THE STATE OF DELAWARE
ORDER AMENDING RULES 16, 16.1, 16.2, 36, 52, 101, 300, AND 501
AND ADDING RULES 16.3 AND 16.4
OF THE FAMILY COURT RULES OF CIVIL PROCEDURE

This 5th day of October 2017, **IT IS ORDERED THAT:**

1. Rule 16 shall be replaced as follows:

Rule 16. Required Reports.

(a) Child Support Financial Disclosure Report. --

- (1) Prior to a mediation conference on an action for support or for modification of an existing order, each party shall complete a written report in the form approved by the Court to be known as a Child Support Financial Disclosure Report, attaching thereto such documents as may be required by the instructions accompanying the Report. Each party shall bring a completed Child Support Financial Disclosure Report to the mediation conference where the information contained therein shall be notarized by the parties, with misrepresentations subject to appropriate sanctions.
- (2) In any matter in which a mediation conference does not occur, each party must complete and exchange with the opposing party or attorney a written report in the form approved by the Court to be known as a Child Support Financial Disclosure Report at least 7 calendar days prior to the first court appearance. Each party shall bring a copy of the completed report to their first court appearance where the information contained therein shall be notarized with misrepresentations subject to appropriate sanctions.
- (3) The requirement for filing the Child Support Financial Disclosure Report may be waived by the Court upon written application by either

or both parties for good cause shown, but only under such conditions as the Court may impose.

- (4) Failure of a party to submit the Child Support Disclosure Report with attachments or to exchange with the opposing party shall subject the offending party to appropriate sanctions.

(b) Custody, Visitation and Guardianship Disclosure Report. --

- (1) Prior to a mediation conference on an action for custody, visitation or guardianship, each party shall complete a written report in the form approved by the Court to be known as a Custody, Visitation, and Guardianship Disclosure Report, attaching thereto such documents as may be required by the instructions accompanying the report. Unless already submitted to the Court in advance, each party shall bring a completed report to the mediation conference where the information contained therein shall be notarized with misrepresentations or omissions subject to appropriate sanctions.

- (2) In any matter where a mediation conference does not occur, each party must complete and exchange with the opposing party or attorney a Custody, Visitation, and Guardianship Disclosure Report at least 7 calendar days prior to the first court appearance. The Custody, Visitation, and Guardianship Disclosure Report must also be filed with the Court at least 7 calendar days prior to the first court appearance. The information contained in the report shall be notarized at the first court appearance with misrepresentations subject to appropriate sanctions.

- (3) The requirement for filing the Custody, Visitation and Guardianship Disclosure Report may be waived by the Court upon written application by either or both parties for good cause shown, but only under such conditions as the Court may impose.

- (4) Failure of a party to submit the Custody, Visitation and Guardianship Disclosure Report shall subject the offending party to appropriate sanctions.

(c) Ancillary Financial Disclosure Report. --

- (1) After the entry of a divorce decree, a petitioner requesting ancillary relief shall complete a written report in the form approved by the Court known as an Ancillary Financial Disclosure Report and shall forward an original notarized copy to the respondent or attorney for respondent within 30 days of the granting of the final decree of divorce and advise the Court in writing that the report has been sent to respondent or respondent's attorney. Respondent shall then complete the form filing the original notarized document with the Court and forwarding a copy to the petitioner or petitioner's attorney within 30 days of receipt.
- (2) Where a petitioner does not seek ancillary relief, a respondent requesting such relief shall complete the Ancillary Financial Disclosure Report and forward an original notarized copy to petitioner or petitioner's attorney within 30 days of the granting of the final decree of divorce and advise the Court in writing that the report has been sent to petitioner or petitioner's attorney. Petitioner shall then complete the form filing the original notarized document with the Court and forwarding a copy to respondent or respondent's attorney within 30 days of receipt.
- (3) The requirement for filing the Ancillary Financial Disclosure Report may be waived by the Court upon written application by either or both parties for good cause shown, but only under such conditions as the Court may impose.
- (4) Failure of a party to submit the Ancillary Financial Disclosure Report shall subject the offending party to appropriate sanctions.

(d) Ancillary Pretrial Stipulation. --

- (1) Unless there exists a no contact order between unrepresented parties, at least 30 days prior to a pretrial conference, the parties shall meet or confer in an effort to resolve all outstanding issues. This requirement may be waived by the Court upon motion by either or both parties for good cause shown.
- (2) If the parties are unable to reach an agreement regarding their ancillary matters, an Ancillary Pretrial Stipulation shall be completed in the following manner:
 - i. The petitioner seeking ancillary relief shall complete the Ancillary Pretrial Stipulation and forward an original

notarized copy to the respondent or the respondent's attorney at least 20 days prior to the pretrial conference.

- ii. The respondent shall then complete the document, file the original document with the Court and forward a copy to the petitioner 7 calendar days prior to the pretrial conference. Each party's respective submissions shall be contained on one form.
- iii. Petitioner after receiving from the respondent the completed form shall be entitled to supplement or file with the Court any objections. The objections or supplement should be filed prior to or at the pretrial conference. A copy of any objections shall also be provided to the respondent or respondent's attorney.

(3) If the petitioner fails to complete the Ancillary Pretrial Stipulation, the respondent must complete his or her portion of the Ancillary Pretrial Stipulation and file it with the Court at least 7 calendar days prior to the pretrial conference.

(4) If there exists a no contact order between unrepresented parties whether in a criminal proceeding or a Protection From Abuse Order, each party shall complete his or her portion of the Ancillary Pretrial Stipulation and file it with the Court at least 20 calendar days prior to the pretrial conference. The Court will forward a copy of the Ancillary Pretrial Stipulation to the opposing party.

(5) The requirement for filing the Ancillary Pretrial Stipulation may be waived by the Court upon motion by either or both parties for good cause shown, but only under such conditions as the Court may impose.

(6) Failure to submit the Ancillary Pretrial Stipulation shall be subject to appropriate sanctions.

(e) Failure to comply. Failure of either party to comply with the requirements of this Rule may result in the imposition of appropriate sanctions which may include but are not limited to the following: the Court's sua sponte continuing the proceeding, acceptance of properly submitted information to the exclusion of contrary evidence by the party in non-compliance; assessment of attorney's fees against the non-complying party or default judgment for the relief requested. Failure of both parties to comply with this Rule as it relates to the Ancillary Financial Disclosure Report may

result in dismissal, with prejudice, of all applications for ancillary relief. As it relates to submissions required by the Ancillary Pretrial Stipulation, failure of a party to file may result in the adoption of the findings, conclusions and order submitted by the other party as the decision and order of the Court or cancellation of the ancillary hearing.

2. Rule 16.1 shall be replaced as follows:

Rule 16.1. Mediation

(a) Support proceedings. –

- (1) In all proceedings requesting relief pursuant to Chapters 5 and 8 of Title 13 of the Delaware Code, including actions for modification of existing orders, 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 to avoid the necessity of a hearing or to narrow the issues to be decided at a hearing. Petitions filed pursuant to the Uniform Interstate Family Support Act shall not be eligible for mediation.

Additionally:

- i. Telephonic participation may be allowed for any party residing more than 100 miles from the courthouse or for good cause shown upon request, conditional upon compliance with subsection (a)(6) of this Rule.
 - ii. Unless otherwise provided by statute or rule, no trial in the action shall occur until the completion of the mediation process unless the Court, upon the application of a party, application of the mediator or upon its own motion, orders the proceeding referred for scheduling, in the first instance, before a Judge or Commissioner.
 - iii. The scheduling of a trial initially before a Judge shall be in accordance with Rule 300(c).
- (2) (A) If the mediation process fails to produce a full settlement, unless both parties agree otherwise, the parties may be taken before a Commissioner for an evidentiary hearing on the same day, if appropriate as determined by the Commissioner. Without assessing

evidentiary weight, the Court may review the notes and calculations made by the mediator in determining areas of agreement and dispute.

(B) If an evidentiary hearing is not held pursuant to subparagraph (2)(A) and if the matter is not resolved at the mediation conference by a permanent or interim agreement of the parties, then, absent good cause otherwise to be stated on the mediator's report, the mediator shall prepare an interim order based upon the documentation provided and the Delaware Child Support Formula, which upon review and adjustment by the Court shall issue promptly and may include such order for discovery as the Court deems appropriate.

(3) A child support enforcement action alleging contempt of court shall be scheduled for a mediation conference only if there have been no previous enforcement orders entered, other than dismissals, in the name of the same petitioner against the same respondent.

(4) Petitions to establish medical arrears, other than in Uniform Interstate Family Support Act cases, shall be scheduled for mediation first in every instance.

(5) Family Court mediation conferences shall be prohibited in any proceeding requesting relief in the form of support where one of the parties has been found by a court to have committed an act of domestic violence against the other party or if either party has been ordered to stay away or have no contact with the other party, unless a victim of domestic violence who is represented by counsel requests such mediation.

(6) Requests to Appear Telephonically or for Continuances -

(A) All requests to appear telephonically or for continuances of support mediation conferences shall be made in a timely manner and in writing to the Court staff mediator assigned to conduct the conference. A copy of any such request shall be provided to the opposing party or, if represented, the opposing attorney. The written request shall be made using the Court approved form and shall contain:

(i) a statement of the original filing date of the complaint;

(ii) the position of opposing counsel on the request or, if there is no opposing counsel, the position of the opposing party;

(iii) the number of times that the case has been scheduled for mediation conference; and

(iv) the reason(s) why the request is being made, with any supporting documentation.

(B) When an emergency or unforeseeable situation prevents full compliance with this subsection, the Court staff mediator assigned to conduct the conference may consider an oral or incomplete request for continuance and may require subsequent submission of appropriate correspondence or documentation.

(C) A Court staff mediator granting a continuance shall make a written entry in the Court record of the reason for the continuance.

(D) Where the parties intend to submit a stipulation resolving the issues, the executed stipulation must be received by the Court prior to the scheduled mediation conference and be in accord with the requirements of Rule 500(a) or the parties shall appear for the mediation conference. The Court shall not grant any request for a continuance on the basis that a stipulation is forthcoming. Failure to appear for a mediation conference under these circumstances may result in a dismissal of the petition or default judgment.

(7) At any hearing conducted under this rule, the Court may consider representations of income for each parent reported by employers to the Department of Labor.

(b) Custody, visitation and guardianship proceedings; mediation. --

(1) Unless service has been made through publication for any respondent, in all custody, visitation and 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.

Additionally:

(i) Telephonic participation may be allowed for any party residing more than 100 miles from the courthouse or for good cause shown upon request, conditional upon compliance with subsection (b)(2)(A) of this Rule.

(ii) No trial shall be scheduled before a Judge until the completion of the mediation process unless the Court, upon the application of either party or the Court staff mediator or upon its own motion, orders the proceeding referred to judicial scheduling.

(2) Requests to Appear Telephonically or for Continuances -

(A) All requests to appear telephonically and for continuances of custody, visitation and guardianship mediation conferences shall be made in a timely manner and in writing to the Court staff mediator assigned to conduct the conference. A copy of any such request shall be provided to the opposing party or, if represented, the opposing attorney. All requests for a continuance shall be made using the Court approved form and shall contain:

(i) a statement of the original filing date of the complaint;

(ii) the position of opposing counsel on the request or, if there is no opposing counsel, the position of the opposing party;

(iii) the number of times that the case has been scheduled for mediation conference; and

(iv) the reason(s) why the request is being made, with any supporting documentation.

(B) When an emergency or unforeseeable situation prevents full compliance with this subsection, the Court staff mediator assigned to conduct the conference may consider an oral or incomplete request for continuance and may require subsequent submission of appropriate correspondence or documentation.

(C) A Court staff mediator granting a continuance shall make a written entry in the Court record of the reason for the continuance.

(D) Where the parties intend to submit a stipulation resolving the issues, the executed stipulation must be received by the Court prior to the scheduled mediation conference or the parties shall appear for the mediation conference. The Court shall not grant any request for a continuance on the basis that a stipulation is forthcoming. Failure to appear for a mediation conference under

these circumstances may result in a dismissal of the petition or default judgment.

- (3) Prior to a mediation conference, the mediator shall review the parties' criminal and Protection from Abuse histories to confirm that the case should not bypass mediation and to enhance his or her general familiarity with the parties.
- (4) If the matter is not resolved at the mediation conference by a permanent or interim agreement of the parties, the mediator may recommend an interim contact schedule based on information received at the mediation conference and in the best interest of the child(ren). The mediator's recommendation shall be reviewed by a judicial officer and if the recommendation is approved, it shall become an interim order, without prejudice to any party. In the event that the mediator's recommendation is not approved, the Court shall enter an appropriate interim order.
- (5) If the matter is resolved at the mediation conference in the form of a proposed consent agreement, a judicial officer will review the proposed consent agreement as well as the criminal histories of the parties and the occupants of each household in which each child will reside or visit.
- (6) The Court may decline to approve any proposed consent or interim order, including stipulations submitted pursuant to subsection (b)(2)(D), for any relevant reason but shall decline to approve any such order if:
 - (A) Any person residing in the household of any party in which the child will reside or visit is a registered sex offender or a perpetrator of domestic violence as those terms are defined in Chapter 7A of Title 13; or
 - (B) Any person in the household has been convicted or adjudicated delinquent of domestic violence against the child or any person residing in a household wherein the child will reside or visit; or
 - (C) The petition should have been otherwise ineligible for a mediation conference pursuant to subsection (b)(7) of this Rule.
 - (D) The impediments recited in subsections (A) and (B) may be disregarded if there exists a written court order wherein a Judge specifically considered the underlying circumstances and, nevertheless, found placement, visitation or contact to be appropriate.

(E) If the Court declines to approve the proposed consent agreement or interim order, either party may request a hearing on the proposed consent agreement or interim order. The Court shall address the matter at or before the Case Management Conference.

(7) Family Court mediation conferences shall be prohibited in any proceeding where one of the parties has been found by a court to have committed an act of domestic violence against the other party or if one party has been ordered to stay away or have no contact with another party, unless a victim of domestic violence who is represented by counsel requests such mediation.

(c) Failure to comply. -- Failure of both parties to comply with this Rule may result in dismissal, with prejudice, of the matter before the Court. Non-compliance by either party, including a failure to complete a report required pursuant to Rule 16, may result in sanctions including, but not limited to, dismissal of the petition, entry of a default judgment, attorney's fees, and being prohibited from accessing the other side's documents or from taking a position at trial.

3. Rule 16.2 shall be replaced as follows:

Rule 16.2. Case Management Conferences, Scheduling Orders and Pretrial Conferences.

(a) Case management conferences and scheduling orders. --

(1) In all actions, except in any action for good cause shown, divorce cases where ancillary jurisdiction is not requested and actions related to child support, child protection registry, and Protection from Abuse, an initial case management conference shall be held as soon as practicable for such purposes as: expediting disposition of the action; entering appropriate interim orders, establishing early and continuing control so that the case will not be protracted because of lack of management; discouraging wasteful pretrial activities; improving the quality of the trial through more thorough preparation; and facilitating settlement. Upon motion and order of the Court, a case management conference may be held in any case.

(2) After consulting with the parties' attorneys and any unrepresented parties at the initial case management conference, the judicial officer shall, unless the judicial officer finds good cause for delay, issue a

scheduling order within the later of 90 days after any respondent has been served with the petition or 60 days after mediation, but in no event shall the scheduling order be issued later than 120 days from service.

(3) The Court shall enter a scheduling order that either establishes or limits the time:

- (A) To amend the pleadings;
- (B) To file and hear motions; and
- (C) To complete discovery.

(4) The scheduling order may:

- (A) Modify the extent of discovery;
- (B) Establish or limit the time to engage in compulsory alternative dispute resolution pursuant to Rule 16.3;
- (C) Provide for disclosure, including the use of expert witnesses, discovery, or preservation of electronically stored information;
- (D) Include any agreements the parties reach for asserting claims of privilege or of protection as trial-preparation material after information is produced;
- (E) Provide the date by which any required reports are to be filed with the Court;
- (F) Set the dates for pretrial conferences and trial; and
- (G) Include other appropriate matters.

(5) A scheduling order may be modified only for good cause and with the judicial officer's consent.

(b) Pretrial conferences. --

- (1) Unless otherwise ordered, attorneys of record and parties, whether represented or unrepresented, are required to appear at a pretrial conference. Upon the filing of a motion and for good cause shown, a judicial officer may permit a party to appear telephonically.
- (2) For any matter in which alternative dispute resolution is required, alternative dispute resolution shall be completed prior to the pretrial conference.

- (3) At any pretrial conference, the Court may consider and take appropriate action on the following matters:
 - (A) Formulating and simplifying the issues, and eliminating frivolous claims or defenses;
 - (B) Amending the pleadings if necessary or desirable;
 - (C) Obtaining admissions and stipulations about facts and documents to avoid unnecessary proof, and ruling in advance on the admissibility of evidence;
 - (D) Avoiding unnecessary proof and cumulative evidence, and limiting the use of testimony under Delaware Uniform Rule of Evidence 702;
 - (E) Determining the appropriateness and timing of summary adjudication under Rule 56;
 - (F) Controlling and scheduling discovery, including orders affecting disclosures and discovery under Rule 26 and Rules 29 through 37;
 - (G) Identifying witnesses and documents, scheduling the filing and exchange of any pretrial briefs, and setting dates for any further conferences and for trial;
 - (H) Settling the case and otherwise assisting in resolving the dispute;
 - (I) Determining the form and content of the pretrial order;
 - (J) Disposing of pending motions;
 - (K) Adopting special procedures for managing potentially difficult or protracted actions that may involve complex issues, multiple parties, difficult legal questions, or unusual proof problems;
 - (L) Ordering a separate trial under Rule 42(b) of a claim, counterclaim, crossclaim, third-party claim, or particular issue;
 - (M) Establishing a reasonable limit on the time allowed to present evidence;
 - (N) Facilitating in other ways the just, speedy, and inexpensive disposition of the action; and
 - (O) Any other appropriate action.
- (4) After any conference under this rule, the Court may issue an order reciting the action taken. This order controls the course of the action unless the Court modifies it.
- (5) Upon motion of either party or at the Court's discretion, the Court may hold an additional pretrial conference to formulate a trial plan, including a plan to facilitate the admission of evidence. If an

additional pretrial conference is held, attorneys of record and parties, whether represented or unrepresented, are required to appear.

- (c) Continuances. -- Requirements regarding continuances of case management conferences and pretrial conferences shall be the same as those for continuances of trial in Rule 40.
- (d) Sanctions. –
 - (1) In General. On motion or on its own, the Court may issue any just orders, including those authorized by Rule 37, if a party or his or her attorney:
 - (A) Fails to appear at a case management conference or pretrial conference;
 - (B) Is substantially unprepared to participate—or does not participate in good faith—in the conference; or
 - (C) Fails to obey a scheduling or pretrial order.
 - (2) Imposing Fees and Costs. Instead of or in addition to any other sanction, the Court shall order the party, his or her attorney, or both to pay the reasonable expenses—including attorney’s fees—incurred because of any noncompliance with this rule, unless the noncompliance was substantially justified or other circumstances make an award of expenses unjust.

4. Rule 16.3 shall be added as follows:

Rule 16.3. Alternative dispute resolution.

- (a) In any proceeding, the Court may upon motion by either party or sua sponte enter a scheduling order that either establishes or limits the time to engage in compulsory alternative dispute resolution ("ADR"), the format of which is to be agreed upon by the parties. Such ADR may include, but shall not be limited to, non-binding or, if agreed to by the parties, binding arbitration, mediation or neutral case assessment. If the parties cannot agree on the format of ADR, the default format shall be mediation unless otherwise ordered by the Court. Mediation as referred to in this rule is a separate process from the mediation required in Family Court Civil Rule 16.1. Therefore, the provisions contained in this rule, including those related to confidentiality, shall not apply to Rule 16.1 mediations.
- (b) In the event the parties cannot agree on an ADR Practitioner, they shall file a joint motion with the Court within thirty (30) days of the issuance of the scheduling order requesting that the Court appoint an ADR

Practitioner for the parties. The Court may impose sanctions upon a party or both parties if it determines that the parties have not attempted to agree upon an ADR Practitioner in good faith.

- (c) The parties shall pay the ADR Practitioner in accordance with the allocation and amount of fees established by the ADR Practitioner and agreed to by the parties or ordered by the Court. The ADR Practitioner may apply to the Court for sanctions against any party who fails to comply with the terms of engagement established by the ADR Practitioner and agreed to by the parties. Sanctions may include, but shall not be limited to, dismissal of the action or default judgment.
- (d) The ADR Practitioner may not be called as a witness in any aspect of the litigation, or in any proceeding relating to the litigation in which the ADR Practitioner served, unless ordered by the Court. In addition, all ADR Practitioners, when serving as an arbitrator, mediator or neutral assessor, shall be immune from civil liability for, or resulting from, any act or omission done or made while engaged in ADR, unless an act or omission was made or done in bad faith, with malicious intent, or in a manner exhibiting a willful, wanton disregard of the rights, safety, or property of another. Each ADR Practitioner shall remain bound by any confidentiality agreement signed by the parties and the ADR Practitioner as part of the ADR.
- (e) All memoranda, work products, and other materials contained in the case files of an ADR Practitioner or the Court related to the mediation are confidential. Any communication made in or in connection with the mediation which relates to the controversy being mediated, whether made to the ADR Practitioner or a party, or to any person made at a mediation conference, is confidential. The mediation agreement shall be confidential unless the parties otherwise agree in writing. Confidential materials and communications are not subject to disclosure in any judicial or administrative proceeding except:
 - (1) Where all parties to the mediation agree in writing to waive confidentiality;
 - (2) In any action between the ADR Practitioner and a party to the mediation for damages arising out of mediation; or
 - (3) Statements, memoranda, materials, or other tangible evidence, otherwise subject to discovery, which were not prepared specifically for use and actually used in the mediation conference.
- (f) If a mediation is not successful, no party may use statements made during the mediation or memoranda, materials or other tangible evidence

prepared for mediation at any point in the litigation in any way, including, without limitation, to impeach the testimony of any witness.

(g) The following definitions apply to this rule:

- (1) "Arbitration" is a process by which a neutral arbitrator hears both sides of a controversy and renders a fair decision based on the facts and the law. If the parties stipulate in writing that the decision shall be binding, the case shall be removed from the Court's docket.
- (2) "Mediation" is a process by which a mediator facilitates the parties in reaching a mutually acceptable resolution of a controversy. It includes all contacts between the mediator and any party or parties until a resolution is agreed to, the parties discharge the mediator, or the mediator determines that the parties cannot agree.
- (3) "Neutral case assessment" is a process by which an experienced neutral assessor gives a non-binding, reasoned oral or written evaluation of a controversy, on its merits, to the parties. The neutral assessor may use mediation or arbitration techniques to aid the parties in reaching a settlement.
- (4) "ADR Practitioner" shall include the arbitrator, mediator, neutral case assessor or any other person engaged by the parties to facilitate ADR.

5. Rule 16.4 shall be added as follows:

Rule 16.4. Divorcing and separating parents' education program.

- (a) Parent education program. -- There shall be a Department of Services for Children, Youth, and Their Families (DSCYF) certified parent education program required for parents in custody and visitation proceedings.
 - (1) Parents. -- Both parties to a custody or visitation proceeding shall participate in a DSCYF certified education program. Each party shall pay the provider of the parent education program, according to a DSCYF approved schedule of fees, for their individual participation. The DSCYF approved fees shall have a "sliding scale" provision.
 - (2) Scheduling and attendance. -- Each party shall be provided with a list of DSCYF certified education program providers, and shall be responsible for arranging enrollment in a particular course.

- (3) Completion of program. -- All participants completing a DSCYF certified program shall be given a certificate of completion verified by the provider. The petitioner, by the filing of a custody petition, voluntarily submits to the jurisdiction of the Court, and shall complete the education program. The petitioner and respondent shall each submit his or her original copy of the certificate of completion prior to the final hearing.
- (4) Waiver. -- The requirement under this Rule may be waived by Court order upon a showing of good cause. Parties seeking a waiver shall file a motion consistent with Family Court Civil Rule 7(b). A party may also file a motion requesting the Court recognize a comparable education program. Such motion shall attach the program's curriculum and shall be filed consistent with Family Court Civil Rule 7(b).
- (5) Previous completion of program. -- A litigant having previously completed a DSCYF certified education program may request from the Court a copy of the certificate if it was filed with the Court in a prior matter. The copy may then be filed in the pending action. If the certificate of completion was not previously filed with the Court, the litigant shall submit a copy of the original certificate, certified by the provider, in satisfaction of the requirement under this Rule.
- (b) Failure to comply. -- Failure to comply with the Rule may result in dismissal of the petition before the Court.

6. Rule 36 shall be amended as follows:

Rule 36. Requests for admission.

- (b) Effect of admission. -- Any matter admitted under this Rule is conclusively established unless the Court on motion permits withdrawal or amendment of the admission. Subject to the provisions of Rule ~~46~~ 16.2 governing amendment of a pretrial order, the Court may permit withdrawal or amendment when the presentation of the merits of the action will be subserved thereby and the party who obtained the admission fails to satisfy the Court that withdrawal or amendment will prejudice that party in maintaining the action or defense on the merits. Any admission made by a party under this Rule is for the purpose of the pending action

only and is not an admission for any other purpose nor may it be used against that party in any other proceeding.

7. Rule 52 shall be amended as follows:

Rule 52. Findings by the Court, conclusions, reasons; guidelines and standards in property distribution, alimony and child support cases.

- (d) ~~Proposed findings of fact and conclusions. — At least 7 days prior to trial in any ancillary action, each party, or counsel, shall submit to the Court proposed findings and conclusions, including supporting reasons therefor concerning all material elements of the case. Each proposed finding of fact shall contain a brief reference to the evidence to be offered in support of that finding. The submission shall include a proposed form of order.~~
- (e) ~~Failure to file submissions. — Failure to file a proper submission under subparagraph (d) above may result in the court's sua sponte continuing the hearing; in the adoption of the findings, conclusions and order submitted by the other party as the decision and order of the Court; in the imposition of counsel fees and costs on the offending party; in the preclusion of the presentation of a claim or defense or the introduction of evidence by the offending party; or such other sanctions or orders as the Court deems just.~~

8. Rule 101 shall be amended as follows:

Rule 101. Process; complaint; prayers.

- (g) Where there is a prayer for child support, ~~Rule 16(a)~~ Rules 16(a) and 16.1(a) shall be applicable and compliance is required.
- (h) Where there is a prayer for child custody, the affidavit required by 13 Del. C. Section 1909 shall be filed with the pleading and ~~Rule 16(b)~~ Rules 16(b) and 16.1(b) shall be applicable and compliance is required.

9. Rule 300 shall be amended as follows:

Rule 300. Expedited procedures for support actions.

- (a) Expedited process; definition. —
 - (1) For any action in which a mediation conference is required under Rule ~~16(a)~~ 16.1(a), expedited process shall include the mediation conference together with a hearing before a master or commissioner if the mediation conference does not result in a permanent order for support.

10. Rule 501 shall be amended as follows:

Rule 501. Income attribution.

(j) Financial report. –

- (1) Failure to submit a ~~Financial Report Form~~ Child Support Financial Disclosure Report pursuant to Rule 16(a) with adequate supporting documentation risks dismissal or an adverse outcome. Adequate supporting documentation commonly includes but is not limited to each parent's most recent tax returns, W-2 Forms, three most recent pay stubs, documentation of payments from Social Security, Unemployment Compensation, Worker's Compensation, a recent physician's statement as to any claimed disability, and receipts for child care payments and private school costs.

11. This amendment shall be effective after 30 days notice to members of the Bar.