

on · New Castle County Focus

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Part I — The Delaware GAL Program

1.1 What Is the Delaware GAL Program?

Delaware's child protection system appoints Guardians ad Litem (GALs) in Family Court proceedings involving abuse, neglect, dependency, and child in need of services (CINS/FINS) matters. Delaware's statutory framework — centered in Title 13 (Domestic Relations) and Title 31 (Welfare) of the Delaware Code — governs child welfare proceedings, and GALs are appointed under 13 Del. C. § 2501.

Child protection cases are administered by the Delaware Division of Family Services (DFS), a division of the Department of Services for Children, Youth and Their Families (DSCYF). When DFS determines court intervention is needed, it files a dependency/neglect petition in the Family Court of the State of Delaware in the county where the child resides. New Castle County Family Court is located at 900 King Street, Wilmington, DE 19801.

Delaware's Three-County Structure

Delaware has three counties — New Castle, Kent, and Sussex — each with its own Family Court. New Castle County (Wilmington) handles the largest dependency docket. Kent County sits in Dover (state capital) and Sussex County in Georgetown. Your GAL appointment follows the child if the case transfers counties.

1.2 Program Structure and Oversight

CASA Delaware is the statewide CASA organization, operating the volunteer GAL program in partnership with Family Court across all three counties. The Office of the Child Advocate (OCA), created under 29 Del. C. § 9007A, is an independent state agency that oversees child welfare and monitors DFS case practice — distinct from the individual GAL role.

Part II — Legal Foundation

2.1 Abuse, Neglect, and Dependency Definitions — 31 Del. C. § 302

31 Del. C. § 302 — Definitions

- Abuse — Physical injury by other than accidental means; sexual abuse; emotional abuse; exploitation
- Neglect — Failure to provide supervision, care, food, clothing, shelter, medical care, or education; or abandonment
- Dependency — Child without proper care due to parental incapacity or death; does not require fault
- CINS — Child In Need of Services: ungovernable, truant, or runaway youth under 18

2.2 Key Delaware Child Welfare Statutes

Essential Delaware Statutory Reference

- 31 Del. C. § 302 — Definitions: abuse, neglect, dependency
- 16 Del. C. § 903 — Mandated reporting of child abuse and neglect
- 16 Del. C. § 906 — DFS investigation authority; protective custody
- 13 Del. C. § 2501 — Family Court jurisdiction; appointment of GAL
- 13 Del. C. § 2512 — Emergency ex parte order for temporary custody (EPO)
- 13 Del. C. § 2513 — Preliminary protective hearing; probable cause
- 13 Del. C. § 2514 — Adjudicatory hearing; fact-finding
- 13 Del. C. § 2515 — Dispositional hearing; case plan; placement
- 13 Del. C. § 2516 — Review hearings; permanency planning
- 13 Del. C. § 1103 — Termination of parental rights; grounds
- 29 Del. C. § 9007A — Office of the Child Advocate
- 14 Del. C. § 3101 et seq. — Education of children in foster care; McKinney-Vento

2.3 ICWA in Delaware

Delaware has no federally recognized tribes with reservation land in the state. However, the federal Indian Child Welfare Act (ICWA), 25 U.S.C. § 1901, applies whenever a child is a member of — or eligible for membership in — a federally recognized tribe anywhere in the country. See Part VII.

State-Recognized Tribes

The Nanticoke Indian Association (Millsboro, DE) and Nanticoke Lenni-Lenape Confederated Tribes (Bridgeton, NJ) hold state recognition in Delaware but are not federally recognized. Federal ICWA does not automatically apply based on membership in these tribes alone — but many members may also hold enrollment in federally recognized tribes. Always conduct a careful inquiry.

Part III — Your Role as a GAL Volunteer**3.1 Appointment and Authority — 13 Del. C. § 2501**

Your authority as a GAL derives from your appointment by the Family Court judge under 13 Del. C. § 2501. Your appointment order grants access to all records relating to the child — DFS case files, educational records, and medical and mental health records. Your appointment runs with the child's case through permanency unless the court formally relieves you.

CASA Delaware Appointment Orders

Always carry a copy of your appointment order when visiting the child, schools, DFS offices, or other agencies. It is your legal credential. Report any agency that refuses access to your CASA supervisor immediately so the issue can be escalated to the court.

3.2 Core Duties

- Meet with the child — Visit frequently, alone, in each placement setting. Build trust.
- Review all records — DFS case plan, court records, school records, medical/mental health files, visitation logs.

- Attend all hearings — Preliminary protective, adjudicatory, dispositional, review, and permanency hearings.
- Communicate with the MDT — Caseworker, foster parents, birth parents' counsel, teachers, therapists.
- File written reports — Best-interest report to Family Court at least 5 business days before each hearing.
- Advocate for services — Identify gaps and advocate through the court for educational, mental health, and family services.

3.3 Ethics and Boundaries

- Do not make promises to children about outcomes or timelines.
- Maintain confidentiality — share case information only within the MDT.
- Do not accept gifts from families or placement providers.
- You are a mandated reporter under 16 Del. C. § 903 — report observed abuse immediately.
- Disclose any conflict of interest to your CASA supervisor and the court.

Part IV — The Multidisciplinary Team (MDT)

Key Contacts

Family Court — New Castle County: 900 King Street, Wilmington, DE 19801 | (302) 255-0300 DFS Child Abuse Hotline: 1-800-292-9582 (24/7) CASA Delaware: 100 W. 10th Street, Suite 706, Wilmington, DE 19801 | (302) 655-3332

DFS Caseworker — Investigates, files petition, develops case plan, arranges placements, supervises visits.

Family Court Judge — Presides over all hearings, makes legal findings, approves case plans.

Deputy Attorney General (DAG) — Represents DFS in court — not your supervisor.

Child's Attorney — Appointed to represent the child's expressed legal interests.

Parents' Attorneys — Do not contact represented parents directly — go through counsel.

Foster Parents / Placement Provider — Primary source of information on the child's daily functioning.

CASA Supervisor — Your primary support at CASA Delaware. Consult before major decisions.

Part V — The Delaware Family Court Process

5.1 How a Case Begins

A dependency/neglect case begins with a report to the DFS Child Abuse Hotline (1-800-292-9582). DFS investigates and, if protective action is needed, may take emergency protective custody under 13 Del. C. § 2512. An EPO hearing must occur within 72 hours. Within 30 days, DFS files a formal petition. The court appoints a GAL at or after the preliminary protective hearing.

5.2 Case Timeline

Day 0	Child removed; DFS takes emergency protective custody
24 hrs	DFS notifies court; EPO application filed
72 hrs	Preliminary Protective Hearing (PPH): probable cause review, placement
30 days	Formal petition filed; GAL appointed
60–90 days	Adjudicatory hearing: fact-finding — abuse, neglect, or dependency determination
30 days post-adj.	Dispositional hearing: case plan, placement, services approved
Every 6 months	Review hearings: DFS compliance, child's well-being, visitation
12 months	Permanency hearing: reunification, guardianship, adoption, or APPLA goal set
18 months	Final permanency review; TPR may be filed if reunification not imminent

Part VI — Hearing Types and GAL Preparation

EPO Hearing (72 hrs)

Judge reviews DFS removal, hears parties, decides on placement. GAL often not yet appointed.

Adjudicatory Hearing

Trial phase. DFS proves abuse/neglect/dependency by preponderance. Submit initial best-interest report.

Dispositional Hearing

Sets case plan, placement, and services. Review the plan before the hearing and flag gaps.

Review Hearings (every 6 months)

Court assesses DFS compliance, child's progress, and placement appropriateness. Submit updated report.

Permanency Hearing (12 months)

Court sets permanency goal. Submit clear recommendation on goal with supporting findings.

TPR Hearing

DFS petitions to terminate parental rights under 13 Del. C. § 1103. Your report is critical.

GAL Report Deadlines

Family Court expects GAL reports at least 5 business days before any substantive hearing. File early — and send copies simultaneously to the DAG, parents' counsel, and the child's attorney.

Part VII — ICWA & Tribal Protections

7.1 What Is ICWA?

The Indian Child Welfare Act (ICWA), 25 U.S.C. § 1901–1963, is a federal law enacted in 1978 to address the historic over-removal of Native American children from their families and tribes. ICWA applies when a child is an 'Indian child' — a member of or eligible for membership in a federally recognized tribe, and the biological child of a tribal member.

Your Duty to Ask — Every Case, Every Contact

GALs must inquire about tribal heritage at every initial contact with the child, birth parents, grandparents, and extended family: 'Do you have any Native American or Alaska Native heritage? Are you or any family members enrolled in or eligible for membership in a tribal nation?' Document all responses. Report any positive or uncertain answer to your CASA supervisor immediately.

7.2 Key ICWA Requirements

ICWA Procedural Requirements in Delaware Proceedings

- Notice (25 U.S.C. § 1912) — DFS must send registered mail ICWA notice to the tribe and BIA upon filing any foster care or TPR petition
- Active Efforts (25 U.S.C. § 1912(d)) — Higher standard than 'reasonable efforts': DFS must make active efforts to prevent removal and reunify
- Qualified Expert Witness (25 U.S.C. § 1912(e)–(f)) — Required for removal and TPR: must have knowledge of tribal culture and child-rearing practices
- Placement Preferences (25 U.S.C. § 1915) — Foster care: (1) extended family; (2) tribal member; (3) other Indian family
- Tribal Intervention (25 U.S.C. § 1911) — Tribe may intervene at any stage; becomes a full party with independent legal standing
- Transfer to Tribal Court (25 U.S.C. § 1911(b)) — Parent, tribe, or custodian may petition to transfer to tribal jurisdiction

Part VIII — Tribal Resources

BIA Eastern Regional Office

545 Marriott Drive, Suite 700, Nashville, TN 37214 | (615) 564-6500

BIA Eastern Region covers Delaware. Contact for ICWA notice questions and tribal enrollment verification.

Nanticoke Indian Association — State-Recognized Tribe

27073 John J. Williams Hwy, Millsboro, DE 19966 | (302) 945-3400

State-recognized Delaware tribe. Federal ICWA may not automatically apply — confirm federal enrollment.

Nanticoke Lenni-Lenape Confederated Tribes

18 E. Commerce Street, Bridgeton, NJ 08302 | (856) 455-6910

State-recognized in Delaware and New Jersey. Confirm federal enrollment before applying ICWA requirements.

National Indian Child Welfare Association (NICWA)

5100 SW Macadam Ave, Suite 300, Portland, OR 97239 | (503) 222-4044

www.nicwa.org — National resource for ICWA compliance, training, and tribal contacts directory.

BIA ICWA Tribal Directory

www.bia.gov/bia/ois/tgs/icwa

Searchable directory of ICWA contacts for all 574 federally recognized tribes.

Part IX — Education Rights of Children in Foster Care

9.1 McKinney-Vento Homeless Assistance Act

Children in foster care in temporary placements may qualify for McKinney-Vento protections, which guarantee immediate enrollment without waiting for records and allow continuation at the school of origin. Every Delaware school district has a McKinney-Vento Liaison — your key contact when a foster child faces an enrollment barrier.

9.2 ESSA Foster Care Provisions

The Every Student Succeeds Act (ESSA) requires schools and child welfare agencies to collaborate on educational stability. Delaware DSCYF and the Delaware Department of Education have an inter-agency agreement implementing ESSA's foster care provisions.

9.3 Special Education — IDEA

Children in foster care are disproportionately identified as needing special education. Review the child's IEP at case opening, attend IEP meetings, and ensure placement changes do not disrupt services. The new school must provide comparable services immediately upon enrollment.

9.4 Education Checklist

Questions for Every Case

- Is the child currently enrolled? Which school, grade level?
- Has the child changed schools since entering foster care? How many times?
- Does the child have an IEP, 504 plan, or other special education services? Are services continuing?
- What is the child's attendance record? Are there truancy concerns?
- Has the child been suspended or expelled? Circumstances?
- What does the child say about school? Do they feel safe and connected?

Part X — Courtroom Practice

10.1 Your Role in Hearings

As a GAL in Delaware Family Court, you are a friend of the court — appointed to inform the judge about the child's best interests. Identify yourself to the clerk as the GAL when you enter. You may give an oral statement at the end of the hearing, or the judge may rely on your written report alone.

10.2 Testifying

If called to testify, speak from your direct observations — what you saw, heard, and were told. Do not offer legal conclusions. You may offer a best-interest recommendation. Stay factual and calm. If asked about something you haven't investigated, say so — do not speculate.

10.3 GAL Report Best Practices

- Use neutral, professional language. Avoid loaded or editorial terms.
- Separate observations from recommendations — label sections clearly.
- Document the child's stated wishes, even when you recommend otherwise.
- Include dates of every visit, call, and contact.
- Address safety, permanency, and well-being in every report.
- Make your recommendation explicit — judges rely on GALs to state their position clearly.
- File at least 5 business days before the hearing.

Part XI — Local Resources — New Castle County / Wilmington

Family Court of Delaware — New Castle County

900 King Street, Wilmington, DE 19801 | (302) 255-0300

Main courthouse for New Castle County dependency proceedings. Mon–Fri 8:30 AM–4:30 PM.

Delaware Division of Family Services (DFS) — New Castle County

1825 Faulkland Road, Wilmington, DE 19805 | (302) 633-2655

Child Abuse Hotline: 1-800-292-9582 (24/7). DFS manages all out-of-home placements in New Castle County.

CASA Delaware

100 W. 10th Street, Suite 706, Wilmington, DE 19801 | (302) 655-3332

www.casadelaware.org — Statewide CASA volunteer program. Primary contact for New Castle County GAL cases.

Office of the Child Advocate (OCA)

820 N. French Street, Wilmington, DE 19801 | (302) 577-8970

oca.delaware.gov — Independent oversight of child welfare. Contact if you observe systemic DFS issues.

Nemours Children's Health — A.I. duPont Hospital

1600 Rockland Road, Wilmington, DE 19803 | (302) 651-4000

Delaware's primary children's hospital. Pediatric medical care, trauma-informed services, child abuse evaluations.

Brandywine Counseling and Community Services

2713 Lancaster Ave, Wilmington, DE 19805 | (302) 656-2348

Outpatient substance use treatment, mental health counseling, and trauma-informed care.

Child, Inc. — Child Welfare & Early Education

1872 Foulk Road, Wilmington, DE 19810 | (302) 762-8989

Head Start, child care, and family support services for low-income families.

Ministry of Caring — Emergency Shelter & Housing

512 E. 8th Street, Wilmington, DE 19801 | (302) 652-5523

Emergency shelter, transitional housing, and supportive services for families in Wilmington.

Part XII — Mental Health Resources

Delaware DPBHS — Children's Mental Health

1901 N. DuPont Hwy, New Castle, DE 19720 | (302) 255-9399

State agency overseeing mental health and substance use services for children.

Connections Community Support Programs

3417 Kirkwood Hwy, Wilmington, DE 19808 | (302) 999-0403

Community-based behavioral health: intensive in-home services, outpatient counseling, crisis intervention.

Christiana Care — Trauma Recovery Center

4755 Ogletown-Stanton Road, Newark, DE 19713 | (302) 623-1000

Trauma-informed behavioral health for children and adolescents in northern Delaware.

National Child Traumatic Stress Network (NCTSN)

www.nctsn.org | 1-877-562-8762

National resource for trauma-informed care tools, parent guidance, and free training modules for GAL volunteers.

Crisis Text Line

Text HOME to 741741 | www.crisistextline.org

Free 24/7 crisis text support for youth and adults. Share with foster youth who may not call a hotline.

Part XIII — Housing & Basic Needs

Delaware State Housing Authority (DSHA)

18 The Green, Dover, DE 19901 | (302) 739-4263

www.destatehousing.com — Section 8/Housing Choice Voucher, emergency rental assistance, homeless prevention.

Friendship House — Emergency Family Shelter

835 W. 8th Street, Wilmington, DE 19801 | (302) 652-8133

Transitional and emergency family shelter in Wilmington for families with children.

Community Legal Aid Society of Delaware (CLASI)

100 W. 10th Street, Suite 801, Wilmington, DE 19801 | (302) 575-0660

Free civil legal services including housing and benefits assistance for low-income Delawareans.

Food Bank of Delaware

222 Lake Drive, Newark, DE 19702 | (302) 292-1305

www.fbd.org — Statewide food bank with pantries across all three Delaware counties.

Delaware 2-1-1 HelpLine

Dial 2-1-1 or text zip code to 898-211 | www.delaware211.org

Statewide resource hotline for food, shelter, utilities, and health services. Available 24/7.

Part XIV — Delaware Statewide Resources

DSCYF — Dept. of Services for Children, Youth and Their Families

1825 Faulkland Road, Wilmington, DE 19805 | (302) 633-2500

kids.delaware.gov — Parent agency for DFS, DPBHS, and youth rehabilitative services.

Delaware Department of Education — Foster Care Liaison

401 Federal Street, Dover, DE 19901 | (302) 735-4000

www.doe.k12.de.us — Contact for school stability disputes, ESSA implementation, and IEP compliance.

Delaware STRONG Families — Foster Care Recruitment

www.delawarestrongfamilies.com | 1-800-464-4357

State-run foster family recruitment and support program for current and prospective foster parents.

Delaware Domestic Violence Coordinating Council (DVCC)

900 King Street, Suite 300, Wilmington, DE 19801 | (302) 255-1080

www.dvcc.delaware.gov — Coordinates Delaware's domestic violence services network.

Delaware Coalition Against Domestic Violence (DCADV)

100 W. 10th Street, Suite 703, Wilmington, DE 19801 | (302) 658-2958

Hotline: 1-800-701-0456 | www.dcadv.org — Connects families to DV shelter and services.

Part XV — Federal Resources

Child Welfare Information Gateway

www.childwelfare.gov — Operated by the Children's Bureau, HHS

Comprehensive federal hub for child welfare practice, ICWA, foster care research, and training materials.

National CASA/GAL Association

100 W. Harrison Street, North Tower Suite 500, Seattle, WA 98119

www.casaforchildren.org — Training, advocacy tools, and program standards for GAL volunteers nationwide.

Children's Bureau — ACF, HHS

www.acf.hhs.gov/cb

Federal agency overseeing Title IV-E, Title IV-B, ICWA, and child welfare policy.

SAMHSA National Helpline

1-800-662-4357 | www.samhsa.gov

Free, confidential, 24/7 helpline for mental health and substance use referrals.

Youth.gov — Foster Youth Resources

www.youth.gov/youth-topics/foster-care

Federal portal for foster youth resources including independent living and transition-age programs.

Part XVI — Working with Children

16.1 Trauma-Informed Engagement

Children in Delaware's foster care system have experienced disruption, loss, and often abuse or neglect. Trauma affects behavior, memory, trust, and communication. Approach every interaction with patience, consistency, and predictability. Never pressure a child to describe abuse details — that is the job of forensic interviewers and therapists.

16.2 Age-Appropriate Communication

Infants/Toddlers (0–3): Observe and document. Assess attachment, physical condition, and caregiver interaction.

Preschool (4–6): Use simple, concrete language. Play alongside. Ask about daily routines and family members.

School-age (7–12): Children this age describe experiences clearly. Ask open-ended questions. Respect their privacy.

Adolescents (13–18): Respect their emerging autonomy. Ask about goals, friendships, and plans. Prepare them for independent living.

16.3 Delaware Ladder — Independent Living Program

Delaware Ladder

Administered by DSCYF, Delaware Ladder provides independent living services and transitional support to foster youth ages 14–21: life skills workshops, housing assistance, employment support, and educational stipends. Connect youth to Ladder services by age 16 at the latest.

16.4 Sibling Relationships

When siblings are placed separately, advocate for regular sibling visitation and, where appropriate, sibling placement together. Document sibling contact — or lack thereof — in every GAL report. Courts weigh sibling contact heavily in best-interest determinations.

Part XVII — Court Report Writing Guide

17.1 Required Report Elements

Delaware Family Court GAL Report Structure

- Header — Case caption, child's name/initials, DOB, case number, hearing date, your name and CASA assignment date
- Contacts Since Last Report — Every visit, call, school visit, MDT meeting, and court date with dates
- Current Placement — Type, duration, stability, and child's adjustment
- Child's Well-Being — Physical health, mental health, school, sibling contact, birth family visitation
- Child's Stated Wishes — What the child told you in their own words
- DFS Compliance with Case Plan — Is DFS providing ordered services? Are parents participating?
- Safety Assessment — Is the child safe in current placement? Any new concerns?
- Recommendation — Clear statement of what you are asking the court to order, with brief rationale

17.2 Filing Procedures

File your report with the Family Court clerk at least 5 business days before the scheduled hearing. Provide copies simultaneously to: the Deputy Attorney General (DFS counsel), parents' attorneys, and the child's attorney (if separately appointed). Keep a copy in your CASA case file.

Confidentiality

GAL reports are court documents subject to Family Court confidentiality rules. Do not share GAL reports with anyone not a party to the case. If you receive a subpoena or records request outside the case, contact your CASA supervisor and the court immediately before responding.