

Consumer Debt Litigation Index

Top Recommendations for Reform in Delaware

Delaware's Score: 36/100

Delaware's National Rank: 7th

Consumer debt lawsuits dominate civil court dockets across the country. In an overwhelming number of cases—more than 70% in many places—the people sued do not respond or defend themselves. As a result, courts often enter default judgments without determining whether the defendant even knows about it, it is timely, or has merit. In turn, people face high fees and interest, onerous payment plans, seizure of wages and possessions, and potential imprisonment. States across the country have established laws and practices aimed at reducing unjust lawsuits and producing fairer outcomes. To support states in their respective efforts, the National Center for Access to Justice in 2024 created the Consumer Debt Litigation Index in consultation with a panel of experts. The Index ranks the states on their progress in adopting 24 best policies (“benchmarks”) for fairness. See our Top Recommendations and Complete Findings, below.

1. Require Authenticated Business Records for A Default (Benchmark 7)

Why: Creditors too often bring legally insufficient cases, relying on the likelihood that many defendants will not respond (or “default”) and that the merits of the creditors’ claims will never be assessed by a court. Requiring creditors to establish — before a default judgment may be entered — (a) proof of service, (b) validity of the debt using authenticated business records, and (c) itemized amounts sought, also using authenticated business records, promotes fairness, as these required elements deter lawsuits that lack merit and lower the number of unwarranted default judgments. Alaska, Maine, New York, Washington, D.C., Washington State, and Wisconsin all require creditors to prove these essential elements before a court may enter a default judgment. Although Delaware requires plaintiffs to provide authenticated business records to prove the validity of the debt and the plaintiff’s ownership of the debt, it does not require proof of service or authenticated business records showing the itemized amounts sought before a judge may enter a default judgment.

How: Delaware should amend its law to require that plaintiffs in consumer debt cases establish not only the validity of the debt and the plaintiff’s ownership of the debt, but also proof of service and an

itemization of the amounts sought with authenticated business records before a judge may enter a default judgment. If it does so, the state's score would increase 10 points.

2. Require Government Notice of a Consumer Debt Lawsuit (Benchmark 1)

Why: All too often, process servers hired by debt collectors fail to serve a notice of a complaint to a defendant and then file a false affidavit claiming that the notice has been properly served. This practice—commonly referred to as "sewer service" because sometimes process servers literally throw the notice in the gutter—means that people never get notice that they are being sued. This makes it impossible to respond to the lawsuit and mount a defense. To address this issue, New York requires the court clerk to send to the defendant, by first class mail, an additional notice of a lawsuit arising out of a consumer credit transaction, and provides that default judgment will not be entered if the notice is returned as undeliverable. In Delaware, a special process server, who is appointed by the court but is not an officer of the court, may serve process. While these quasi-officials have the imprimatur of government, they may have financial incentives to collect debt, which can compromise the integrity of the process. Further, the state does not require supplemental notice from the court.

How: Delaware should fix the problem of ineffective or fraudulent ("sewer") service by adopting a law that either (a) requires a public official (such as a sheriff) to complete service; or (b) requires the court to send the defendant, by first class mail, supplemental notice of a new consumer debt lawsuit and deny default judgment if that notice is returned as undeliverable. If it does so, the state's score would increase 5 points.

3. Update Garnishment and Attachment Exemptions (Benchmark 15) and Require Prior Notice of Garnishment (Benchmark 16)

Why: Without sufficient protections, garnishment and attachment orders to seize money or assets from a debtor to pay a creditor can leave people unhoused, unable to keep a car to drive to work, and stuck in cycles of poverty. Federal law exempts some funds from garnishment and some property from attachment, but debtors often do not learn what funds and property are exempt or how to assert exemptions. Further, the federal exemptions are out of date and inadequate to preserve even a very basic standard of living. Some states have increased garnishment and asset exemptions (Benchmark 15). For example, in consumer debt cases Texas has adopted garnishment exemptions that protect 100% of a person's wages, and attachment exemptions that protect a home (of any value) and personal property (including a car) up to a value of \$100,000 for a family or \$50,000 for an individual. Some states—including Indiana, Massachusetts, New Jersey, New Mexico, and Ohio—require that notice be sent to a debtor prior to actual garnishment that explains exemptions, how to challenge the garnishment or attachment, and how to assert the exemptions (Benchmark 16). Delaware, however, has not yet increased its garnishment and attachment exemptions sufficiently. Delaware also has not yet required that creditors send notice to the debtor of an impending garnishment or attachment before it begins.

How: Delaware should update and expand on garnishment and attachment provisions so that it protects, at minimum, a home, regardless of value, or at least the median price of a home in the

state; and a car valued up to at least \$15,000. Further, it should require notice to a debtor before garnishment or attachment begins that explains (a) potential exemptions; (b) how to challenge the order; and (c) how to assert exemptions. If it does so, the state's score would increase 10 points.

What Would Happen if Delaware were to Implement these Recommendations?

These three recommendations, if adopted by the state, would substantially increase Delaware's score and ranking. For more on how Delaware can do better, see the complete findings below and visit NCAJ's [Consumer Debt Litigation Index](https://ncaj.org/state-rankings/consumer-debt) at <https://ncaj.org/state-rankings/consumer-debt> or reach out to NCAJ at NCAJ@fordham.edu.

Complete Consumer Debt Litigation Index Findings for Delaware

I. Issue Area: Help people know when they are being sued and where to find help.

1 - Government Notice of Lawsuits

Score: 0/5

Does the state respond to the problem of ineffective or fraudulent ("sewer") service in consumer debt lawsuits by: a. Public Official Service - requiring that a public official (e.g. the court or the sheriff) handle service? or, b. Court Supplemental Notice - requiring the court to send the defendant, by first class mail, supplemental notice of a new consumer debt lawsuit and deny default judgment if that notice is returned as undeliverable?

No

Delaware does not meet this benchmark because it does not meet either sub-benchmark 1a or 1b. Under Delaware law, "[s]ervice of process shall be made by the sheriff to whom the writ is directed, by a deputy or by some person specially appointed by the Court for that purpose." Del. R. Civ. P. Super. Ct. 4(d). A special process server "is not an officer of the court and does not have an official function with the Justice of the Peace Courts." Information on the Use of Special Process Servers for Cases Filed in the Justice of the Peace Courts, Del. Cts. Jud. Branch (2016), https://courts.delaware.gov/help/proceedings/jp_civil39specproc.aspx [<https://perma.cc/S8PL-YSRK>]. Second, Delaware does not meet sub-benchmark 1b because Delaware does not require the court to mail supplemental notice of a new consumer debt lawsuit to the defendant and deny default judgment if such notice is returned as undeliverable.

2 - Guidance on Finding Help

Score: 0/5

Does the state require that notice to the defendant in a consumer debt lawsuit include guidance on where to seek help, including free legal assistance?

No

Delaware does not meet this benchmark because Delaware does not require that notice in a consumer debt lawsuit provide guidance for defendants on where to find help. See Del. R. Civ. P. Super. Ct. 4(c).

II. Issue Area: Make it easier to respond to a lawsuit.

3 - Simplified Answer

Score: 2/2

Does the state provide a simple Answer process by making available an Answer form for use by unrepresented persons in consumer debt lawsuits?

Yes

Delaware meets this benchmark because it provides Answer forms on its court website that may be used by consumer debt defendants. Its Justice of the Peace (small claims) Court form Answer has portions specific for consumer debt defendants, see JP Civil Form No.07 <https://courts.delaware.gov/Forms/Download.aspx?id=121178>, while its Court of Common Pleas Answer form is a simple generic form for an Answer in a civil case. See <https://courts.delaware.gov/Forms/Download.aspx?id=7018>

4 - No Notarization Requirement to Answer

Score: 2/2

Does the state make it easier to respond to consumer debt lawsuits by never requiring defendants to have an Answer notarized before filing?

Yes

Delaware meets this benchmark because it does not require pleadings to be verified except when otherwise specifically provided by statute or rule, Del. R. Civ. P. Super. Ct. 11, and no such statute or rule applies to an Answer in a consumer debt litigation. Notably, Del. R. Civ. P. Super. Ct. 5(aa)(2) specifically requires a garnishee in a Superior Court proceeding (but not a small claims court action, see J.P. Ct. Civ. R. 5(aa)(2)) to serve plaintiff with a verified answer but no verification obligation applies to the defendant or judgment debtor.

5 - No Fee to Answer

Score: 5/5

Does the state permit the filing of an Answer in consumer debt lawsuits without charging a filing fee?

Yes

Delaware meets the benchmark because it does not charge a fee to answer a debt or trespass action in the Justice of the Peace Court (for actions seeking to recover amounts under \$25,000). See J.P. Ct. Civ. R. 77(h); "How To Respond To A Civil Action in the Justice of the Peace Court," Delaware Courts Judicial Branch, "Justice of the Peace Court Civil Fees," Delaware Courts Judicial Branch. Similarly, the state does not charge a fee to answer a civil complaint in the Superior Court (for actions seeking to recover amounts over \$25,000). See Super. Ct. Civ. R. 77(h)(F). <https://courts.delaware.gov/help/fees/jpfees.aspx>
https://courts.delaware.gov/help/proceedings/jp_respond.aspx

III. Issue Area: Require the creditor to provide evidence of a valid debt claim.

6 - Pleading Requirement**Score: 10/10**

Does the state require consumer debt complaints to allege all of the following: a. Name of original creditor; b. Basis of plaintiff's standing (e.g. chain of ownership of debt); and c. Itemization of amount sought including debt principal, interest, fees, costs, and other charges to date?

Yes

Delaware meets this benchmark because the applicable administrative directive of Delaware requires debt collection complaints to allege (a) the name of the original creditor, (b) the basis of plaintiffs' standing, and (c) an itemization of the amount sought. See Administrative Directive of the Chief Judge of the Court of Common Pleas for the State of Delaware, No. 2012-2 (Aug. 22, 2012) (effective Sept. 2, 2012), <https://courts.delaware.gov/forms/download.aspx?id=88988>

7 - Authenticated Records for Default**Score: 0/10**

Does the state require the following be established before a default judgment can be granted: a. Proof of Service b. Validity of debt through authenticated business records (e.g. contract, account statements, or other evidence of obligation); and c. Amount of judgment through authenticated business records, itemizing damages, court fees, attorneys' fees, and interest?

No

Delaware does not meet this benchmark because it does not meet sub-benchmarks (a) (proof of service) or (c) (amount of judgment through authenticated business records). Delaware courts may grant default judgment pursuant to Rule 55 of the Rules of Civil Procedure for the Superior Court of the State of Delaware, and that rule does not impose any of the requirements in sub-benchmarks (a) (proof of service) or (c) (amount of judgment through authenticated business records). With respect to sub-benchmark (b) (validity of debt through authenticated business records), a plaintiff seeking entry of default must file a written application supported with authenticated business records to (i) prove the validity of the debt and (ii) prove the plaintiff's ownership of the debt and standing to sue. Del. Super. Ct. R. Civ. P. 55(b)(1); Administrative Directive of the Chief Judge of the Court of Common Pleas for the State of Delaware, No. 2012-2 (Aug. 22, 2012), <https://courts.delaware.gov/forms/download.aspx?id=88988>. Although the written application requires itemization of amounts due, it does not require that these amounts be supported by authenticated business records. Note: Delaware's law governing small claims court would meet sub-benchmark (a) (service) because it requires proof of validity of service before entry of a default judgement in debt claims. See Del. J.P. Ct. R. Civ. P. 55(c)(1)-(3).

IV. Issue Area: Require consumer debt collection actions to be brought within a reasonable time of non-payment.

8 - Burden on Plaintiff to Allege Timeliness**Score: 0/2**

Does the state place the pleading burden on the consumer debt plaintiff to allege in the Complaint the timeliness of each claim, including each of the following: a. applicable statute of limitations; b. date that claim accrued; and c. date that statute of limitations expires?

No

Delaware does not meet this benchmark because the statutes and rules of Delaware do not place the burden of pleading timeliness on the plaintiff and do not require that a debt collection complaint include (a) the

applicable statute of limitations, (b) the date the claim accrued, or (c) the date that the statute of limitations expires. See, e.g., Del. Super. Ct. R. Civ. P. 8(c) (establishing the statute of limitations as an affirmative defense).

9 - Four Year Statute of Limitations

Score: 5/5

Does the state require 4-year (or shorter) statute of limitations for the causes of action most commonly used to pursue consumer debt collection: breach of contract (written or oral), open account, account stated, unjust enrichment, conversion, bad check?

Yes

Delaware meets this Benchmark because it imposes a 4-year (or shorter) statute of limitations for all consumer debt claims. In particular, Delaware has the following limitations periods: • breach of written contract: 3-year limitations period (10 DE Code § 8106 (2022)); • breach of oral contract: 3-year limitations period (10 DE Code § 8106 (2022)); • open account: 3-year limitations period (10 DE Code § 8106 (2022)); • account stated ("an action for any article charged on an account in a store"): 3-year limitations period (10 DE Code § 8106 (2022)); • unjust enrichment: 3-year limitations period (10 Del. C. § 8106 see also *Vichi v. Koninklijke Philips Elecs. N.V.*, 2009 WL 4345724, at *38 (Del. Ch. Dec. 1, 2009).); • conversion: 3-year limitations period (10 Del. C. § 8106(a) *Spano v. Morse*, No. Civ.A. 20121, 2003 WL 22389542, at *1 (Del. Ch. Oct. 8, 2003)); and • passing a bad check: limitations period of 3 years after dishonor of the draft (although a period of 10 years applies from the date of the draft if the draft was not dishonored more than three years earlier) (6 DE Code § 3-118 (2018)).

10 - Prohibit Revival of Time-Barred Claims

Score: 0/2

Does the state prohibit revival of time-barred consumer debt claims, even where defendant makes subsequent payment toward a debt?

No

Delaware does not meet this Benchmark because it makes consumer debt claims subject to revival even after the statute of limitations has run, when, for instance, "[t]he acknowledgment, written or oral, is an admission by word; the part payment is an admission by fact". See, e.g., *Skalniak v. Dey*, 793 A.2d 1250, 1254 (Del. Fam. Ct. 2001) (finding that wife's "oral promise" in June 1999 to pay prior debt "renewed the statute of limitations time period" which had expired in 1998 based on the state's three year limitations periods for such debts); *Hart v. Deshong*, 8 A.2d 85, 87 (Del. Super. Ct. 1939).

V. Issue Area: Prohibit attorneys' fee shifting, and cap interest.

11 - Prohibit Attorneys' Fees Shifting

Score: 0/3

Does the state prohibit attorneys' fee shifting in consumer debt lawsuits regardless of contractual provision or reciprocity in fee shifting?

No

Delaware does not meet this benchmark because it does not prohibit attorneys' fee shifting in consumer debt litigation. The Delaware code provides a broad grant to parties seeking to enforce the debt to recover "reasonable counsel fees," not to exceed 20 percent of the judgment, as long as the debt instrument "expressly provides" for such fees. Del. Code Ann. tit. 10, § 3912.

12 - Interest Caps**Score: 0/3**

Does the state cap interest in consumer debt lawsuits (regardless of any contractual provision) as follows: a. Pre-judgment interest for debt buyers capped at an annual rate of 7% (or less); and b. Post-judgment interest for all creditors capped at 5% (or less) of the judgment?

No

Delaware does not meet this benchmark because it does not satisfy the requirements of sub-benchmarks (a) or (b). Regarding (a)(prejudgment interest), Delaware law states: "Any lender may charge and collect from a borrower interest at any rate agreed upon in writing not in excess of 5% over the Federal Reserve discount rate including any surcharge thereon." Del. Code Ann. tit. 6, § 2301(a); see also id. §2301(b) ("If the rate of interest specifically set forth in any bond, note or other evidence of indebtedness, exclusive of other charges, fees or discounts authorized or permitted under federal law or under any rule or regulation promulgated pursuant thereto, does not exceed the lawful rate prescribed in subsection (a) of this section, no person shall, by way of defense or otherwise, avail himself or herself of any of the provisions of this chapter, to avoid or defeat the payment of any interest or any such charges, fees or discounts."). Thus, Delaware does not limit prejudgment interest on debt to 7% or less (as is required to meet sub-benchmark (a)). Regarding (b)(post-judgment interest), Delaware law states that "any judgment entered on agreements governed by this subsection, whether the contract rate is expressed or not, shall, from the date of the judgment, bear post-judgment interest of 5% over the Federal Reserve discount rate including any surcharge thereon or the contract rate, whichever is less." Del. Code Ann. tit. 6, § 2301(a). Thus, Delaware does not limit post-judgment interest to 5% or less of the judgment (as is required to meet sub-benchmark (b)).

VI. Issue Area: Reduce the likelihood that consumer debt collection actions leave people homeless, or perpetuate a cycle of debt.

13 - Require Court Order to Garnish or Attach**Score: 5/5**

Does the state in consumer debt lawsuits require a court order for garnishment and attachment?

Yes

Delaware meets the benchmark because the law provides that courts must issue writs of attachment and garnishment. 10 Del.C. §§ 9583; 9584. The Court of Chancery also uses the same form of order for the issuance of writs of execution. Del. Ch. Ct. R. 69(a) (2023).

14 - Bank Account Garnishment Exemptions Are Self Executing**Score: 2/2**

Does state law require in consumer debt lawsuits that garnishment exemptions for bank accounts are self-executing?

Yes

Delaware meets the benchmark because bank accounts cannot be garnished in Delaware. Del. Code Ann. tit. 10, § 3502(b).

15 - Essential Exemptions**Score: 0/5**

Does the state prevent people from becoming impoverished, unhoused, or unable to work by exempting income and assets from attachment and garnishment, as follows: a. Income of at least \$576.92 per week, the minimum to keep a family of four above the federal poverty level, as defined by the U.S. Federal Poverty Guidelines in 2023; b. Home, regardless of value, or at least the median price of a home in the state; and c. Car value, state exemption for, at least, the first \$15,000 in value?

No

Delaware does not meet the benchmark because sub-benchmarks (b) (home) and (c) (car) are not met. Delaware law provides as follows: (a) Income: Delaware meets sub-benchmark (a) because Delaware exempts 85% of a person's wages. Del. Code Ann. tit. 10, § 4913(a). (b) Home: Delaware does not meet sub-benchmark (b) because Delaware does not offer any exemptions for a person's home(s). (c) Car: Delaware does not meet sub-benchmark (c) because Delaware does not offer any exemptions for a person's car(s). For more information on garnishment exemptions see Michael Best and Carolyn Carter, No Fresh Start 2023, National Consumer Law Center (Dec. 2023), https://www.nclc.org/wp-content/uploads/2023/12/2023_Report_No-Fresh-Start-3.pdf.

16 - Require Prior Notice of Garnishment

Score: 0/5

Does the state require notice to debtor prior to actual garnishment that explains all of the following: a. potential exemptions? b. how to challenge the order? and c. how to assert exemptions?

No

Delaware does not meet this benchmark because it does not require prior notice of garnishment exemptions or how to assert them. A copy of the writ of garnishment is only required to be delivered to the judgment debtor (by hand) by a garnishee after the garnishee is served with the writ. Del. Code Ann. tit. 10, §§ 9584, 5031 (West 2023). Additionally, even if Delaware required that notice be served prior to garnishment, the state would not meet sub-benchmark (a) (potential exemptions) because the notice does not contain a complete list of all exemptions; sub-benchmark (b) (how to challenge the order) because the notice does not provide the manner in which to contest the order; or sub-benchmark (c) (how to assert exemptions) because the notice does not describe the full manner in which all exemptions may be asserted. *Id.* at § 9584.

VII. Issue Area: Eliminate debtors' prison.

17 - Prohibit Incarceration for Failure to Obey a Court Order to Pay Consumer Debt

Score: 5/5

Does the state prohibit incarceration for contempt for failure to obey a court order to pay all or part of a consumer debt judgment?

Yes

Delaware meets this benchmark because it does not permit courts to order debtors to pay all or part of a judgment and, therefore, a debtor cannot be imprisoned in Delaware for contempt for failure to obey a court order to pay. See *Biggs v. Strauss*, No. 81C-OC-46, 1988 Del. Super. LEXIS 181, at *6 (Del. Super. May 18, 1988) (stating a money judgment is not an order and the proper procedure for enforcing a money judgment is through execution of a writ, not requesting the court to order the defendant debtor to pay the money judgment). See also *Vanderzeyde v. RDIS Corp.*, 1996 WL 33167791, at *1 (Del. Ch. June 6, 1996) ("I do not think that contempt of court is the appropriate remedy for failure to satisfy a judgment for money. The law supplies execution process for this purpose. For practical as well as theoretical reasons that is the appropriate way, in my opinion, for this matter to be resolved"). However, Delaware does permit a judgment creditor to request the court to issue a writ of *capias satisfaciendum*, which commands the sheriff to arrest a debtor for failure to pay a

judgment only where there is evidence to support a finding that the defendant debtor has ". . . secreted, conveyed away, assigned, settled, or disposed of either money, goods, chattels, stock, securities for money, or other real, or personal estate, of the value of more than \$50, with the intent to defraud his creditors. . ." Del. Code Ann. tit. 10, § 5052(a) (West 2023). But, as that statute makes clear, incarceration is not for failure to pay the debt itself, but for the underlying intent to defraud. See id.

18 - Prohibit Incarceration for Failure to Obey a Court Order to Appear at a Debtor's Examination, Unless Nonappearance Was Willful

Score: 0/5

Does the state prohibit arrest and/or incarceration for contempt for failure to appear at a debtor's examination (i.e. a judgment enforcement proceeding), unless the person's failure to appear was willful?

No

Delaware does not meet the benchmark because a judgment debtor may be held in contempt of court for failure to appear at a debtor's examination, and a court may order incarceration for up to 170 days for "any disobedience or resistance to his or her lawful writ, process, order or rule." 10 Del. C. § 9506; Del. Super. Ct. Civ. R. 37(d); Del. Super. Ct. Civ. R. 69. The intentional or willful nature of the person's failure to appear may, however, be considered in determining the appropriate sanction. *Elting v. Shawe (In re TransPerfect Global, Inc.)*, 2019 Del. Ch. LEXIS 1318, *29-30. In addition, the court may require the judgment debtor "to pay the reasonable expenses, including attorney's fees, caused by the failure," unless the court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust. Del. Super. Ct. Civ. R. 37(d).

19 - Provide Right to Counsel

Score: 0/5

Does the state provide a lawyer without charge in any contempt or other proceeding in which incarceration is a potential outcome in a consumer debt lawsuit?

No

Delaware does not meet the benchmark because it does not provide a right to counsel for indigent defendants in contempt proceedings in either the general public defender statute or the contempt statute for Justices of the Peace. See 10 Del. C. § 9506; 29 Del. C. § 4604. (The Justice of the Peace has jurisdiction over any civil debt matter up to \$25,000 in controversy. 10 Del. C. § 9301.)

VIII. Issue Area: Prevent government from undue intervention on behalf of creditor.

20 - Prohibit Collaboration Between Creditors and Prosecutors

Score: 0/2

Does the state prohibit relationships (including financial relationships) in which prosecutors lend the authority of their offices to facilitate the activities of debt collectors (e.g. payments by creditors to prosecutors who threaten or bring criminal prosecutions in bad check cases)?

No

Delaware does not meet this benchmark because there is no statutory or judicial prohibition on relationships or financial arrangements between prosecutors and debt collectors. See 11 Del. C. § 900.

21 - Prohibit Paying Bail/Bond to Creditor**Score: 0/2**

Does the state prohibit use of bail to pay the creditor in all contempt proceedings, or in other proceedings in a consumer debt lawsuit in which incarceration is a possible outcome?

No

Delaware does not meet this benchmark because its laws do not include an express prohibition on the use of bail or bond to pay a creditor. See, e.g., Del. R. Civ. P. Super. Ct. 37.

22 - Limit Frequency of Examinations**Score: 0/5**

Does the state in consumer debt litigation schedule or otherwise limit financial examinations to no more than once per year?

No

Delaware does not meet this benchmark because the law provides that "in aid of the judgment or execution, the judgment creditor or the judgment creditor's successor in interest when that interest appears of record, may take discovery by deposition, interrogatories and requests for production." The law does not limit the frequency of such examinations. Del. R. Civ. P. 69 (a).

IX. Issue Area: Collect data to improve the system.**23 - Data Collection: Number of Lawsuits****Score: 0/3**

Do state courts at least annually collect and publish statewide data on number of consumer debt lawsuits?

No

Delaware does not meet the benchmark because it does not collect and publish data on number of consumer debt lawsuits or types of consumer debt dispositions. Delaware Chancery Court Rules require the Register to keep judicial statistics as the Court shall direct, but there is no detail included in the rules that require information about consumer debt lawsuits. Del. Ch. Ct. R. 79 (b) (2022). The Delaware Judiciary publishes annual reports that include general statistics, analysis and conclusions, but it does not have statistics available that specifically pertain to consumer debt lawsuits. See The Delaware Judiciary Annual Report, DEL. ADMIN. OFF. OF THE COURTS (2022). See <https://courts.delaware.gov/aoc/annualreports/fy22/doc/2022AnnualReport.pdf>. The State Court Administrator is responsible for statistical collection and analysis of the court system. Delaware Administrative Office of the Courts, Operating Procedures §I-1-i (last visited Mar. 26, 2023). See <https://courts.delaware.gov/aoc/operating-procedures/op-aoc.aspx#purpose>.

24 - Data Collection: Disposition of Lawsuits**Score: 0/2**

Do state courts at least annually collect and publish statewide data on types of dispositions of consumer debt lawsuits?

No

Delaware does not meet the benchmark because it does not collect and publish data on number of consumer debt lawsuits or types of consumer debt dispositions. Delaware Chancery Court Rules require the Register to keep judicial statistics as the Court shall direct, but there is no detail included in the rules that require

information about consumer debt lawsuits. Del. Ch. Ct. R. 79 (b) (2022). The Delaware Judiciary publishes annual reports that include general statistics, analysis and conclusions, but it does not have statistics available that specifically pertain to consumer debt lawsuits. See The Delaware Judiciary Annual Report, DEL. ADMIN. OFF. OF THE COURTS (2022). See

<https://courts.delaware.gov/aoc/annualreports/fy22/doc/2022AnnualReport.pdf>. The State Court Administrator is responsible for statistical collection and analysis of the court system. Delaware Administrative Office of the Courts, Operating Procedures §I-1-i (last visited Mar. 26, 2023). See <https://courts.delaware.gov/aoc/operating-procedures/op-aoc.aspx#purpose>.

To learn more about the Consumer Debt Litigation Index, including how other states fared, visit <https://ncaj.org/state-rankings/consumer-debt>.

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