

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LISA D. BENTLEY,	§	
	§	No. 467, 2003
Petitioner Below,	§	
Appellant,	§	Court Below—Family Court
	§	of the State of Delaware, in
v.	§	and for Sussex County in
	§	File No. 26, 906, Pet. No.
DIVISION OF YOUTH and	§	02-21554.
FAMILY SERVICES,	§	
	§	
Respondent Below,	§	
Appellee.	§	

Submitted: October 16, 2003
Decided: November 10, 2003

Before **HOLLAND, BERGER** and **STEELE**, Justices.

ORDER

This 10th day of November 2003, it appears to the Court that:

(1) Lisa D. Bentley has petitioned this Court, pursuant to Supreme Court Rule 42, to accept an appeal from an interlocutory order entered by the Family Court on July 10, 2003.¹ By order dated October 16, 2003, the Family Court refused Bentley’s application for certification of the interlocutory appeal.

¹The July 10, 2003 decision addressed the status of sixty-one matters that were pending before the Family Court in eight different files and twenty-three petitions concerning three children. By order dated July 25, 2001, the Family Court terminated Bentley’s parental rights in the three children. By order dated December 13, 2002, the Family Court restored Bentley’s parental rights as to one of the children. In this interlocutory appeal, Bentley seeks to appeal that part of the July 10 decision that denied her “Motion for Recusation.”

(2) Supreme Court Rule 42(c)(i) provides that an application for certification of an interlocutory appeal must be served and filed with the trial court “within 10 days of the entry of the order from which the appeal is sought or such longer time as the trial court, in its discretion, may order for good cause shown.” In this case, the Family Court’s July 10 decision was mailed to the parties on August 26, 2003. Bentley filed her application for certification twenty-two days later on September 17, 2003. Bentley did not request an extension of the ten-day filing period, nor did the Family Court find good cause to accept the late filing. Consequently, Bentley’s application for certification was untimely filed.

(3) Applications for interlocutory review are addressed to the sound discretion of this Court and are granted only in extraordinary cases. In this case, Bentley failed to follow the proper procedure for certifying an interlocutory appeal to this Court under Supreme Court Rule 42.² The appeal could be refused on that basis. Moreover, even if we assume that Bentley complied with the procedural requirements of Supreme Court Rule 42, we conclude that the application for interlocutory review does not meet the

²Moreover, Bentley has not filed the supplemental notice of appeal that is required by Supreme Court Rule 42(d)(iii).

substantive requirements of Supreme Court Rule 42(b), and the appeal should be refused on that basis.

NOW, THEREFORE, IT IS HEREBY ORDERED that the within interlocutory appeal is REFUSED.

BY THE COURT:

/s/ Randy J. Holland
Justice