

SUPREME COURT OF THE STATE OF DELAWARE

Jennifer Culbreath v. Benjamin Culbreath

Culbreath · No. No. 240, 2025 · Decided January 23, 2026

SUMMARY

The Delaware Supreme Court affirmed the Family Court’s order granting Benjamin Culbreath’s petition to modify a prior consent custody order. The Court held that the Family Court correctly applied the statutory modification and best-interests standards and stated that any alleged violation of the order should first be addressed through a rule-to-show-cause petition in Family Court.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Chief Justice Seitz; Justice Valihura; Justice Traynor
JURISDICTION	Supreme Court of the State of Delaware
DECIDED	January 23, 2026
DOCKET	No. 240, 2025
DISPOSITION	affirmed
PROCEDURAL POSTURE	Jennifer Culbreath appealed the Family Court's order granting Benjamin Culbreath's petition to modify a prior consent custody order.
STANDARD OF REVIEW	The Supreme Court reviewed the Family Court judgment and affirmed on the basis of and for the reasons cited by the Family Court.
PRECEDENTIAL VALUE	Published
PARTIES	Jennifer Culbreath v. Benjamin Culbreath

TOPICS

- child custody
- family law procedure
- appellate procedure
- standard of review

PRACTICE AREAS

- Family law
- Appellate procedure

QUESTIONS PRESENTED

1. Whether the Family Court correctly applied the statutory standards governing modification of a prior consent custody order.
2. Whether the appellant's assertion that the appellee violated the May 16, 2025 custody-modification order could be addressed in the appeal.

HOLDINGS

1. A custody order entered by consent may be modified at any time under the standards set forth in 13 Del. C. § 722, and the Family Court correctly applied those standards in granting the appellee's petition for custody modification.
2. A party alleging that the appellee violated the Family Court's May 16, 2025 order must first seek relief by filing a petition for a rule to show cause in the Family Court.

KEY QUOTATIONS

“The Family Court correctly applied the facts to the law applicable to the modification of a prior consent custody order.”

FACTUAL BACKGROUND

The parties were subject to a prior consent custody order. Benjamin Culbreath petitioned the Family Court for modification of that order, and the Family Court conducted an evidentiary hearing on May 5, 2025. The Family Court granted the petition for custody modification in a May 16, 2025 order.

PROCEDURAL HISTORY

The Family Court of the State of Delaware held an evidentiary hearing on May 5, 2025, and on May 16, 2025, granted the appellee's petition for custody modification. The Supreme Court of Delaware reviewed the parties' briefs and the Family Court record and affirmed the judgment.

DISPOSITION

affirmed

OPINION

PER CURIAM.

IN THE SUPREME COURT OF THE STATE OF DELAWARE JENNIFER CULBREATH,¹ § § No. 240, 2025 Respondent Below, § Appellant, § Court Below–Family Court § of the State of Delaware v. § § File No. CS22-05660 BENJAMIN CULBREATH, § Petition No. 24-17503 § Petitioner Below, § Appellee. § Submitted: November 21, 2025 Decided: January 23, 2026 Before SEITZ, Chief Justice; VALIHURA and TRAYNOR, Justices.

ORDER After consideration of the parties' briefs and the Family Court record—including the transcript of the May 5, 2025 evidentiary hearing—we find it evident that the judgment below should be affirmed on the basis of and for the reasons cited by the Family Court in its May 16, 2025 order granting the appellee's petition for custody modification.

The Family Court correctly applied the facts to the law applicable to the modification of a prior consent custody order.² To the extent that 1 The Court previously assigned pseudonyms to the parties under Supreme Court Rule 7(d). 2 See 13 Del. C. § 729(b) ("An order entered by the [Family] Court by consent of all parties... may be modified at any time by the [Family] Court in accordance with the standards set forth in § 722 of this title."); id. § 722 (enumerating the "best interests" factors). the appellant believes that the appellee has violated the court's May 16 order, her recourse is to file a petition for a rule to show cause in the Family Court in the first instance.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Family Court be affirmed. BY THE COURT: /s/ Karen L. Valihura Justice 2