

**FAMILY LAW COMMISSION
MINUTES
MAY 10, 2007**

The Family Law Commission met on Thursday, May 10, 2007 in the Senate Hearing Room of Legislative Hall in Dover, DE. The following members were in attendance: Senator Liane Sorenson, Chair of FLC, Judge William Walls, M. Diana Metzger, M.D., Lynn Kokjohn, Dr. Harriet Ainbinder, Representative Pam Maier, Dana Harrington-Connor, Esq., Representative Terry Schooley, Harry Gordon, and Curtis Bounds, Esq. Also in attendance at this meeting was Jody Huber from Family Court and Katherine Jester, Director.

Chandlee Johnson Kuhn, Chief Judge of the Family Court

After introductions were made, Senator Sorenson turned the meeting over to our speaker for the meeting, Chief Judge Chandlee Johnson Kuhn. She began by telling the members that she referred to this as her *annual update* on some of the things that are new in Family Court. The very first and very exciting thing that she wanted to advise us about was their new *Pilot Calling Center*. It has been initiated in New Castle County where they have one supervisor and 4 primary agents. These agents, along with some software and a little bit of hardware they are able to field calls in every area except for divorce. Basically, if you call in to New Castle County Family Court, whether you are a litigant, a member of the public, or an attorney, your call will be fielded by one of the agents. They have received over 10,000 phone calls since January. They average about 200 calls a day and about 3,000 calls a month. The feedback from both the public and the attorneys has been very positive. They have the ability to actually track all of the phone calls, the length of the phone calls, and how long they have been waiting.

This program has also improved the timeliness of case processing. Judge Kuhn noted that it is not a *pro se* center. You can reach the Call Center by simply calling the main number of Family Court 302-255-0300. Judge Kuhn expressed that one of her wishes is that when they get their new Court houses in both Kent and Sussex that they will then be able to establish a state-wide call-in center in Kent County.

Judge Kuhn then continued by addressing the Pro Se Center which with Jody Huber's leadership has really taken off in the last several years, especially in 2006. She advised that they served over 50,000 litigants in 2006. They now have the following packets available – divorce and annulment, visitation, custody and custody modification, guardianship and permanent guardianship. The termination of parental rights packets will be available in the middle or late May, and the adoption packets will be available by the summer.

Judge Kuhn said that their web site has been renovated and that it is now more user-friendly for both pro se litigants and attorneys. They now have an attorney site, and soon you will be able to go in and obtain all of your pro se packets on-line, and this will allow you to print a hard copy. It will also help the attorneys – both those that are hired

in the court, but also attorneys that are appointed by the court and hopefully this will help them also.

The Judge informed the members that they have created in Delaware a pro bono service in the court. This refers to corporate attorneys in the state of Delaware who don't actually practice in our courts on a regular basis, but who are now admitted to the Bar in Delaware under special rules. She said that they have 300 lawyers who are prepared to sign up to assist them through Delaware Volunteer Legal Services for appointments in Family Court. Since attorneys who do not appear in Family Court might be intimidated when they appear in this court, they would not be familiar with the proceedings there. To help them Jody Humber and Joe Moranz created notebooks for the pro bono attorneys on subjects such as PFA's, Custody, Guardianship, which are really paint-by-number examples which will assist them in Family Court. She expressed her appreciation to Widener and Delaware Volunteer Legal Services who were willing to change their insurance policies and what they would be able to accept so these attorneys would be able to participate. These attorneys will be used more in civil cases such as property division. Representative Maier inquired if Jody would be the contact if they have a constituent that might need such a service such as a grandparent trying to obtain custody. Judge Kuhn said that would certainly apply in a situation such as that. She said she calls the grandparents, brothers and sisters, or aunts and uncles the *angels in the court*. She said that she calls them *angels* because they have already raised their children, but are willing to step in and raise these children, and keep them out of the State system and they are the people that we really need to assist.

Next Judge Kuhn said she wanted to address Family Court's budget request. She said that one of the issues has been the transcripts are not of the quality that they should be. They have requested 30 audio monitors, which are electronic court reporters. This will be a full-time employee that will listen to the tapes. This is what they utilize in the Court of Common Pleas. Family Court has state-of-the-art equipment, but they are not able to utilize it in the fashion that it was intended to be used. The Chief Justice actually asked for 15, and 6 made it into the Governor's Budget. It is not what they wanted, but it is a start. Judge Kuhn stated that she feels that in any courtroom that if there is an electronic monitor the security will be better.

A significant issue for Family Court is the need for new court houses in Kent and Sussex County. They have had a study done and it was concluded they will not be able to modify the existing courthouses to adequately meet the needs of Family Court today. Since these buildings were not originally designed to be courthouses, the flow of traffic, the flow of prisoners, and the flow of litigants are right next to our employees and their judicial officers. She said that they have requested \$5M in the Bond Bill to move forward with a detailed space studies and the acquisition of land. She said that anything that the Family Law Commission is able to do to assist them in this request would be of great assistance to Family Court.

Another issue she wanted to address was H.B. 48. This bill is a housekeeping bill and it requires that custody, support, and visitation be filed as separate issues being

brought before the court. H.B. 46 is the guardian publication bill which brings the law in conformity with their practice right now. There are two kinds of guardianships – one is standard and the other is permanent. When they were written they had the same publication requirements, which are three consecutive publications in the newspaper. The intent for the standard was never to have such a strict publication requirement. It actually is several hundred dollars to have that published in the newspaper for three weeks, so they have put in a bill to have the publication only be for one week.

An issue that began coming up last year and one that they have begun to address and take very seriously is the removal of social security numbers from any public documents. Judge Kuhn said there will be a bill introduced to remove social security numbers from divorce decrees. Senator Sorenson said this was being done to protect citizens from identity theft. With petitions, social security numbers will still need to remain, but anything that leaves the court and is given to the public, they are making every effort to see that the S.S. #'s are removed.

Next the Judge addressed a Commissioner's authority to hear contested divorces. She already has established this by way of a Directive. Most contested divorces are contested until the day of the hearing and then they flip to an uncontested divorce. Due to this practice, they felt a Commissioner could hear these cases which would free up much needed time for the Judges. Another bill, S.B. 57, the Domestic Violence Coordinating Council bill, which is the PFA bill that expands PFA's to extend the jurisdiction to allow PFA's to be filed during dating relationships and also for juveniles. This bill has passed the Senate unanimously and has now gone over to the House. When this bill is passed, Family Court is aware that this will increase their workload, but they have not asked for a fiscal note because Family Court did not want anything to hold up this bill, and she said the enforcement of this bill only belongs in Family Court.

Finally, Family Court is going to be piloting a Domestic Violence Court. This program is being initiated by Jody Huber and Judge Copper. They will be working together, and this is going to be done Statewide, and they will be looking at how the court handles Domestic Violence in the court. At this time they do not know how this will look, but they are looking at the Violence against Women Act Implementation Committee to potentially assist them. The Court investigated Domestic Violence issues about 10 years ago and they brought Delaware up to the leading edge. Judge Kuhn said they feel that this issue should be addressed once again. They need to make sure that Family Court is on the cutting edge on how they treat Domestic Violence cases in the court. Even though Delaware is still one of the leaders in handling this issue she said there are still domestic violence deaths on a regular basis, which shows they still have more work to do.

Senator Sorenson noted that there are two other bills coming from the Domestic Violence Coordinating Council and the Delaware Coalition against Domestic Violence. One of these bills amends the Delaware Landlord Tenant Code by insuring that tenants who are Domestic Violence, Sexual Assault, or stalking victims are protected from eviction. This bill ties in with the Landlord Tenant Bill which we had last year. The other

bill adds a felony level violation to existing provisions for criminal contempt of A Domestic Violence Protection Order. Criminal Contempt of such an order will constitute a Class F felony in cases where the violation involves physical injury or the use, or the threatened use, of a weapon. At this time there is no coordination between Superior Court and Family Court on Domestic Violence issues, and they are working on this as one of the issues. They are looking at a plan to better coordinate between these two Courts.

Judge Kuhn continued that there are two other areas that they have been working on this past year and one of them is the Delaware Girls Initiative. The Court has received significant funding. They are currently accessing the programs that they now have, and they are going to begin to look at all the programs and coordinate them for the girls in the State of Delaware. The next one is the Juvenile Justice Arena. She stated that she was sure that the members were aware that we have some significant issues not only in the City of Wilmington, but also statewide with gun violence and juvenile issues. She said she had met yesterday with Hope Commission sub-committee looking at Hope Outreach workers. This is outside the scope of the Family Law Commission, but it is within the scope of Family Court. Judge Kuhn said that violence and crime really begins at the child welfare stage when children are born, so it is directly related to what everyone does.

Judge Kuhn then addressed the availability of the tapes from proceedings. As she mentioned before, this is one of the things that the Family Law Commission had brought to the Court's attention. Not only were proceedings not available, as they looked deeper into the transcripts that they do have – they found that their transcripts were woefully inadequate. Therefore, what they have started to do is work on developing stronger transcripts, and they have asked for electronic court reporters. This will help them, and they have established a committee of judges to draft a policy that will allow litigants and their attorneys to obtain a copy of the court proceeding at a minimal cost. The committee has convened and there is currently a draft on the table for discussion and approval. It would include only the parties in the proceedings and their attorneys being permitted to request copies of the court proceedings. They will not be available for use in Appeals, nor would they be an official record of the case. She said that she cautioned that at this point this is only an internal draft at this point in time.

Another concern she addressed was the timeliness of cases. There are distinct issues when reviewing timeliness of cases. One would be the length of time from the date of filing for the decision. There are numerous reasons for perceived delays and sometimes real delays including scheduling, motions, briefings, continuances, and expert witnesses, and also service of process. In regard to the length of time from the date of submission to the date of decision, she said she thought that the Chief Justice had already spoken to the Commission regarding this, and Senator Sorenson agreed that he had. Judge Kuhn said that they did have their 90-day reporting system. Each individual judge is responsible for doing their 90-day-report. It is submitted to her and it is an internal report. It is then submitted to the Chief Justice. Judge Kuhn said that there never is more than a handful on the 90-day-list. She did say that some judges are quicker than others. She stated that some cases are just very complicated. You must remember that another

thing that one needs to remember is that you don't start counting until the last absolute item is filed and even then the judge might ask for a Post Trial Briefing. If there is any item, or issues, that are continually trying to be addressed by the court, such as Motions for Re-argument, motions for attorney fees, that case is not ready for decision.

Judge Kuhn explained that Family Court is trying to be customer service oriented while trying to keep the integrity of the court.

Next the Open versus Closed Court issue she advised that Family Court has issued a Public Access Policy which replaces the Administrative Directive 98.02. The Public Access Policy addresses public access to court proceedings, court records, and administrative records. The Family Court continues to treat cases as Open or Closed pursuant to statute and court rules. Several court rules are in the process of being amended in order to be in compliance with their practice. These rule changes will not change what they currently have as Open and Closed cases. The court has made a conscious decision to keep PFA's open, based upon the fact that they have been open for so long. Whether or not they should be closed is really a legislative decision, and should the legislators tell them to do something different Family Court would abide by that. The same thing applies to Child Support. Child Support by Directive was Open. She stated she wasn't sure why it ever was, but they are changing the Rule to keep it the same way. This new directive will now be on the Family Court website.

The final issue was Family Court evening hours, and Judge Kuhn said she thinks that is one that they will have to grapple with for a long time. There are two possibilities in considering extending the court's hours in the evening. Whether the Resource Center Hours and the Filing Hours could be extended, or whether the court would be open in the evening for filing proceedings. Hearing Officers would be amenable to evening hours, but the funding necessary to expand the court hours is not something that is available at this point in time. The security issues would be very significant because you would have to have Capitol Police, and you would have to have judicial assistants. If would have to become such a priority of the judicial branch that it would have to come from the Chief Justice. There are two court houses in Family Curt which are not secure. They are not secure between 8:30 a.m. – 4:30 p.m. She said they do not have Capitol Police assigned to them on a daily basis and would really have a problem with security if they started having evening hours.

At this time Jody Huber said that Herman Row had submitted a question regarding Protection from Abuse orders. In 2006 there were 2,500 PFA hearings and 1,400 were granted, and 1,100 were dismissed for various reasons. Jody said that Mr. Row questioned whether or not Family Court is capable of breaking down these cases and finding out why those cases were dismissed. She said that unfortunately at this time they are not capable of doing this. Jody stated that when their new Case Management System comes on-line (which they are hoping will be by 2010) that they will have much greater capabilities. Mr. Row inquired if they have data on gender, and Judge Kuhn said

that she thought that they did have that information. Jody said she thought that the Domestic Violence Coordinating Council had data pertaining to gender.

Open/Closed Family Court Sub-committee

As follow-up to the Chief Judge's remarks about the new Public Access Policy, Harry Gordon said that he would like to inform the judge about the FLC Open/Closed sub-committee. Harry said they have decided that the best way to address this issue, which has a great deal of personal and emotional parts to it that they will prepare a position paper which their committee will be asked to consult on and agree and then present it to the whole Commission. Then they will then post it on the FLC's website. Harry said that he hopes to have that report by June.

Widener Law School Proposal for Domestic Violence Clinic

Dana Harrington-Connor proceeded to give the Commission a presentation regarding the proposal for a Domestic Violence Clinic at the Widener Law School. She said that currently Widener has two clinics and one is the Veteran's Assistance Clinic and the other is the Delaware Civil Clinic. The Delaware Civil Clinic began as a general practice clinic including such area as landlord/tenant issues, family law issues, to consumer matters working with Delaware Volunteer Legal Services. They have moved into the area of domestic violence doing some Protection from Abuse Orders, and some Custody orders. She said that the problem is that they are only just scratching the surface in all of these areas. Dana said she felt that using law students and interns is first, a great service to the community, and second - they are training some of the best lawyers, because they will learn how to practice law before they graduate from law school, and third they are creating future pro bono attorneys. She stated that some of their best volunteer pro bono attorneys are former clinic students. She continued that what they would really like to do is to create a new unit of the Delaware Civil Clinic which would solely be dedicated to working with survivors of domestic violence in particular. .

Dana continued that the unmet need is those individuals seeking assistance with custody and divorce and property division. She said this is a difficult area to get volunteer attorneys to handle these cases, because they are so long term. She has recently been in contact with the Attorney General's office regarding issues pertaining to enforcement of orders – such as failure to pay support and failure to get counseling. The problem with this is that the Attorney General's office does not have the resources to handle those cases. She said cases such as these would be wonderful cases for interns, and wonderful cases to actually create a calendar day. Our interns are actually sworn in before the Supreme Court of Delaware. They are limited to the types of cases they can handle, the Courts that they can appear in – one of them is Family Court, Landlord Tenant, and J.P. Court. The interns can't appear in Superior Court. She said they would like to provide holistic services to their clients. She stated that with the passing of the new Landlord/Tenant law that they would be able to assist them in J.P. Court for issues related to housing. They plan to hire an attorney who would be fully dedicated to this clinic, which is something that they do not have at present. This domestic violence unit

would have a full-time attorney who would not only help to supervise students, but they would also handle cases themselves. This is in New Castle County, but they are hoping to expand to be able to handle cases throughout the state.

Senator Sorenson questioned Dana if they were looking for some State funding for this program and to what amount. Dana replied that looking at their proposed budget they would need \$250,000 which would cover a full-time attorney, benefits – a reasonable salary so the attorney would stay – a full-time secretary and two paid law clerks who would be working with the attorney. This request would fall under the Attorney General’s Office in the budget, and the Attorney General is in full support of this request, and they are particularly interested in the work that they may do in the terms of enforcement of orders and how this program will be able to assist their office.

Harry Gordon made a motion to show the Family Law Commission’s support for this and it was seconded unanimously for the Family Law Commission to write these letters stating our support. Jody Huber stated that this could not have happened at a better time, since the Judges had met recently and announced a pilot program to be introduced to handle domestic violence cases.

New Business

At this time Senator Sorenson said that before we addressed pending legislation, she wanted to address a piece of new business. She said we have Kate McGraw with us today. Senator Sorenson met her at a meeting recently, and she has had several problems in dealing with Family Court. Ms. McGraw raised one issue that the Senator Sorenson thought was interesting given our interest in custody evaluators. She asked Ms. McGraw if she would like to share her experiences with the Commission.

She began by introducing herself and saying that her name was Kate McGraw. She said she is a licensed clinical psychologist and she sits on the Suicide Prevention Coalition for the State of Delaware and she is on the Board of Directors for the Mental Health Association. She also provides treatment for offenders, their victims, and their children. One example she gave was a victim of domestic violence who petitioned the Court to appoint a Guardian ad Litem to protect her children from a chronically abusive father, and the Court appointed an attorney who himself was convicted of criminal contempt of a PFA, after domestic violence against his spouse and children.

She stated that she was going to offer some suggestions that she would like to make the following recommendations for the Commission to consider. They are as follows:

First she suggested that they follow the National Guidelines for selection, training and criminal background checks for all Guardian ad Litem’s.

She said that she has done some research and has talked to the National CASA organization. There is actually federal law under the Child Abuse Act which requires the

Guardian ad Litem's get specific types of training and follow those recommendations. There should be accountability. They should review the calls to police versus the number of arrests that are made when PFA's are violated. Define what incidental contact is. Educate the officers that violations are warrantless arrests. Also, prohibit the D.A. for trying a case before it is presented to the court. They should review the number of referrals they get to the number of prosecutions for violations of PFA's. For DFS – review the number of PFA victims' statements that involve allegations of child abuse to the number of reports that the courts make to DFS. There should be Mandatory Reports to DFS. If Contempt of a PFA is found and it involves children witnessing any part of that contempt that it is a mandatory referral to DFS for emotional abuse of those children.

The next part refers to Probation Officers. They should review the number of probation violations versus the number of violated offenders by probations. Review the process required to violate probation to improve offender accountability. Next make it a higher level of offense if PFA violation occurs in a Courthouse, or outside the Courthouse, because there is an unofficial policy that violations are not enforced inside the Courthouse.

Next, establish criteria for PFA for life, or extend the PFA to last until the offender reaches a period of 12 months without violation with automatic reinstatement for 24 – 36 months if violent behavior reemerges after first PFA expires. Allow three or more events of civil contempt of findings or consent to count as a criminal conviction. Also, to find harassment, threatening, intimidation which the PFA protects against to include use of the police, courts, procedures, or the wording that is used in those procedures to count as emotional abuse or verbal abuse in the violation of the PFA. Also, make a motion that an offender cannot file a motion to vacate a PFA.

She said there is a need to establish a definition or process to determine what parental alienation is, because some states have actually started to do this, and in the process you can actually help those children that are being used as weapons against either parent. Develop sanctions against parents who engage in this type of behavior. Define a law that talks about interference with custody to a time period– don't say prolonged period of time – be specific.

Also, require mandatory training for the bailiffs, court personnel, the judges, and police on domestic violence. Bypass mediation and child support hearings like is done for other hearings. She said that her recommendation would be to consolidate all of those three things – support, visitation, and custody – instead of making the families jump from court, to court, to court.

She continued that the last suggestion she would suggest that aside from mandating domestic violence treatment for anyone who has a PFA – it should be everybody. Develop separate PFA handbooks for victims and their offenders that take them through the steps that they can expect, so that there is less misunderstanding that might reduce the number of violations and in turn reduce the load on the court. She said she felt it might create a better outcome for both sides. She said it is just as important for

the victim to understand what the process is as it is for the offender. She said that the handbook should be a sign receipt and understanding, so that later on you can say did you read this, or can I help you with this? She said she thought if there was a comprehensive view to the whole process, it might reduce the amount of conflict and would certainly help the system.

In closing, Ms. McGraw stated that she would be glad to volunteer her time and her efforts to help impact the system to help both the victims of domestic violence and their children and their families, and she said she would be willing to do whatever it takes to help facilitate these changes. She said she would be glad to share whatever information she has, or talk about her own experiences with anyone. Ms. McGraw thanked everyone for the opportunity to talk to the Commission this morning.

Custody Evaluators

Harriet Ainbinder then presented an update on her meeting with the Delaware Psychological Association regarding Custody Evaluators. She said that they agreed there should be a policy of *informed consent* so that the parents know what their rights are – what guidelines exist and what their responsibilities are. The second issue deals with competence – there needs to be some objective method to determine who’s qualified to conduct custody evaluations and who is not. In regard to cost, the psychologists feel that it is unconscionable that parents do not know at the beginning and who will be required to pay for this service. Also, they thought there should be a way to finance the cost of custody violators for those who cannot afford to pay. They also liked the idea of doing a follow-up to assess how the family was doing after the evaluation was done – say 6 months or one year to let the Commission know how the evaluation worked and how it had progressed and how this had helped out. These are the next areas that the psychologists plan on addressing

Pending Legislation

. Senator Sorenson began with H.B. 128 and H.B. 129 both deal with health care for families and children. She continued by addressing H.B. 130 which is now in the Senate Finance Committee relating to Sexual Offenders and Sexual Offenses. This act expands the definition of child offenses in the Delaware Code includes advancing or profiting from child prostitution. It creates a separate fine for with enhanced penalties for sex offenders of sexual offenses with children.

Next she addressed H.B. 151 which updates the PFA law to reflect recent Federal changes to remove outdated references to Sheriffs and Constables neither of which provide support to PFA respondents in the State of Delaware. She continued H.B. 152 – this act creates the Delaware Online Predator Act of 2007 with requirements for internet providers. She explained that this is the act that provides that if you should be the one repairing someone’s computer and if you were to find pornography you need to report it.

Next to be discussed is S.B. 71 relates to the interstate contract regarding the placement of children. This bill allows Delaware to keep up-to-date with the other states that our laws agree with the other laws so that things run smoothly from one state to another. Next bill is S.B. 75 and it addresses court security assessments and this is another bill that is now in Senate Finance. This bill states that no person shall be in fear of or at risk of physical harm in a Delaware court to assure that all State courts should have access to the financial resources necessary to provide adequate court security at all times while the court's business is being conducted. This bill is in the Finance Committee due to the fiscal note attached to it.

S.B. 90 deals with sex offenders and the establishment of a Sex Offender Management Board. Senator Sorenson explained that this Board is an extremely important issue. There are numerous stipulations about where they can and cannot live, and how we monitor them. The Adam Walsh Act has just been passed which increases supervision and requires enhanced reporting – change of addresses, e-mail addresses, all of which helps in the tracking of these offenders. This Board would be set up as a part of Homeland Safety and Security with various agencies that deal with sex offenders. This was the conclusion of the new legislation.

She continued with an update on proposed previous legislation. H.B. 90 dealing with the Child Protection Accountability Commission is out of the House and is now in the Senate – H.B. 75 that deals with marriage that minors can only marry after receiving their parent's permission – meaning that you cannot get married just because you are pregnant – and this has passed the House and is now in the Senate. H.B. 59 which is about Sex Offender violations – this is out of committee in the House. The 211 Help Line which is Rep. Maier's bill has now passed the House and is in the Senate and it is in Finance. H.B. 54 requires that a computer technical service provider who discovers child pornography while the computer is being repaired notify the Delaware State Police, or the local municipal police department that has jurisdiction.

Senator Sorenson informed the Commission that the bill that separates the filings for child support, custody, and visitation when filing for a divorce has passed the House and is in the Senate. Jody Huber explained that what happens now is that they are scheduled as separate hearings anyway, but what happens when you file for divorce for those matters ancillary to the divorce – you check them off on the divorce degree – the court technically does not have jurisdiction over those issues until the divorce degree is granted which takes a great deal of time considering that they must be separated six months before the degree can be granted, so they cannot schedule the initial mediation on those matters until then, which really delays the process. Jody continued that if you separate them, and you file for child support in a separate filing the same day you file for a divorce – they can schedule your child support mediation within six weeks and you can have a child support order out of that mediation. When you fill out a divorce petition you just check off a box asking that custody be decided, whereas if you are actually filling out a custody petition (even though it is another page to fill out) you are actually given the opportunity to state your allegations and why you should have custody explaining issues that the court should consider in your case. It gives the court more of a basis to make a

more informed decision when you go for medication. The next one was H.B. 46 which has also passed the House and is now in the Senate. This changes the publication requirements for guardianship of a child to agree with other civil filings of the Family Court. The next legislation dealt with bullying legislation which has passed the House and is now also in the Senate. S.B. 60 is the Adam Walsh Act that requires sex offenders provide additional information to Police and makes others have to report more frequently.

S.B. 57 is now in the House Judiciary Committee, which extends PFA's to same sex couples and to significant dating relationships. S.B. 50 would add driving offenses to Family Court and take them out of J.P. Court. S.B.29 relates to the statute of limitations on child sexual abuse which has passed the Senate. Senator Sorenson said that this concluded the legislation.

Old Business

Senator Sorenson stated that Harry Gordon had already addressed Open/Closed Issue and said he would be releasing a position paper that they could all comment on. She said she felt it will be good to have something in writing and then the Commission can react to it. Dana Harrington-Connor stated they have plans to have an open meeting. Harry Gordon said that he would like to examine the paper first and then determine if it would meet the objectives that were originally set. After the full Commission reviews it, it might be appropriate to post it on the FLC website. Curtis Bounds mentioned that this committee had been formed before the court had withdrawn the Administrative Directive 98.02, and now Family Court has reinstated a Public Policy Statement. He said that now the Open/Closed Committee will have to go back and look over this new Policy Statement to see how it may reflect on their final report. Curtis stated that the goal of the Commission is to educate the public on the role of the Commission.

Public Comment

Senator Sorenson then asked if there were any public comments. She then recognized Raetta McCall. Raetta questioned the F Delaware received in providing legal aid for abused children. Senator Sorenson said that happened because of the use of the word *may* rather than the word *shall* in the *statute*, because they were concerned they did not have enough staff to cover it. Senator Sorenson said that is being addressed to improve this. Also, Raetta said another concern for her is that no one can seem to locate the 1999 report that was done by the Judiciary Committee. She questioned that if it was done, where is it? Raetta found this in the *News Journal*. She asked the Commission if they could find this article. The last thing she addressed was the meeting of the sub-committee on the Open/Closed Court issue – she stated that she had requested at the last meeting that the public be allowed to attend this meeting. . Senator Sorenson suggested that this could be done at our June meeting, since Attorney General Biden will not be able to attend as we had planned.

Curtis Bounds said he felt there should be no sub-committee meetings, and if they are held they should open to the public. Everything should be done as the whole

Commission. Harry Gordon asked to clarify that there had been *no* actual meeting of the sub-committee before the last meeting of the Commission. He requested one member of the committee to prepare a document, and that document has now been shared with him and one other member of their committee. They are now in the process of examining it to see if it meets the purpose of this document. Harriet Ainbinder stated this should be considered as a Draft document and as such would not be subject to open comment by all. It is an internal document that will be shared when it is done. At that time everyone will have the opportunity to respond and share their thoughts and opinions.

Senator Sorenson then called upon Jerry Ledwith. He talked about the need for open family court legislation and more emphasis on domestic violence.

Jody Huber made a suggestion that after hearing some of the speakers today that next year the Commission should address Domestic Violence and the law enforcement part of it. She said it might be good idea to ask Randy Fisher who is the Court's liaison at the Delaware State Police to come and speak to the FLC. He would be able to talk about the training that law enforcement officers receive, and maybe questions could be asked of him the same as we do when we have other speakers.

Senator Sorenson adjourned the meeting at Noon. The next and last meeting will be held on **Thursday, June 14th, 2007** in Legislative Hall in the Senate Hearing Room.

Respectfully submitted,

Jean C. Ardis, Secretary
Family Law Commission