

**FAMILY LAW COMMISSION PUBLIC HEARING
JANUARY 11, 2006
MINUTES**

Senator Liane Sorenson opened the annual Family Law Commission Public Hearing on Wednesday, January 11, 2006 at 7:00 p.m. She opened the meeting by welcoming everyone in attendance here tonight. She began by introducing the members of the Family Law Commission as well as members of the Melson Formula Task Force who were here this evening to hear everyone's testimony. She began by introducing herself—State Senator Liane Sorenson, Chair of the FLC, Representative Bob Valihura, Chair of the Task Force that is reviewing the Melson Formula, and with him is Commissioner Andrew Southmayd, also Ellen Meyer, and Lisa and they will be looking at any questions that arise regarding the Melson Formula. Senator Sorenson said that this Task Force meets every four years, and they are in the process of doing that. Continuing with the introductions of the FLC we had Lynn Kokjohn, representing Sussex County as a concerned citizen, Curtis Bounds, Esq., an attorney in New Castle County whose practice is principally in domestic relations, Judge Bill Walls, who is the Family Court representative, Judson Bennett, from Lewes and he is the Sussex County At-Large Commissioner of the FLC, Jean Ardis, Secretary for the FLC, Dee Comer, Asst. to Senator Sorenson. Senator Sorenson explained that everyone should pay attention to Dee Comer as she was going to be the timekeeper this evening. She will be making sure that each person is allotted only five minutes for their testimony, and giving them a one minute warning nearing the end of their time. Next to be introduced was Terry Schooley, State Representative from the Newark area; then Pam Maier, State Representative, also from the Newark area.

Senator Sorenson said that she hoped that everyone had gotten a copy of the flyer about the Family Law Commission. It was created in 1984, and she explained that their purpose was to preserve the integrity of the law in Family Court, we want to keep the family in tact as much as possible, we study and evaluate domestic violence laws, rules and procedures in Family Court, we review existing or new legislation effecting domestic relations in Family Court, we disseminate information about family law and other activities, and in the next policy it says the commission may have public hearings, invite written comments, review and comment on legislation affecting Family Law... These are the kinds of things the commission can do. She said you are welcomed to give your written comments tonight, hand it in to the secretary, and it will go into the written record of the meeting.

Senator Sorenson continued that what they cannot do is engage in the practice of law, give legal advice of any kind, so if you have come this evening to get advice on your case in Family Court that is something that we can't do, and we can't intervene directly or indirectly in any case pending before the court—we can't intervene in that—we can't fix it, but what we do is listen to the testimony. What we often hear is a pattern in the complaints, and if it is something we can work on, we will. We can write a letter. For instance at the last Family Law Commission Public Hearing several people found it difficult to get to Family Court, and said that they had written a letter to the Chief Judge

of Family Court saying that people were having trouble getting there during their working days and if there was a possibility of having Family Court open at nights. She said that the letter that they had gotten in response said that at this point there is no money available for opening the court, because it would involve court staff, as well as the Capitol Police, and so forth, but it is something that they are continuing to look at.

Senator Sorenson continued that they had raised the issue that if a person is headed to Family Court and they had an accident or another problem there was no way to contact the court. They replied that they would try to make their notice sent out to people more clear, and put a phone number on that to use if they are having a problem, or were delayed getting to court they could use that. She said they have taken issues that are structural and involve people's experiences in Family Court. A number of years ago there was a problem, because in domestic violence cases the two parties were sitting in the same waiting room, and that was very upsetting. They then separated them.

She said that the commission will listen to everything you have to say, it is being tape recorded, and the tape recording will be transcribed, and at a meeting of the Family Law Commission they will look at the full transcription of the proceedings, and even the people who weren't able to come tonight, and we will also look at the transcript. We will then try to see what the common threads are. Last year we wrote a letter to every person who attended the Family Law Commission Hearing and summarized the issues that we thought were important and that we would follow up on. She said she would ask that on the sign-in sheet you give your name and address, so that we would have a way to get back to you.

At this time, several other members of the Family Law Commission arrived and they were Harry Gordon, Commissioner from New Castle County, Ellen Meyer, Esq., Attorney and Commissioner from New Castle County, who also is a member of the Child Support Committee, and Harriet Ainbinder, a Child Psychologist from New Castle County.

Senator Sorenson said the other thing she wanted to mention regarding the rules for the hearing was that you will have five minutes to speak. The Commission is here to listen tonight, so we will not comment on anything that is said tonight, we will not be clapping, we won't be giving any response, we will be listening, and we might be taking notes, and we may ask a question if something wasn't clear. She stated that no one should be disappointed if they do not get a response tonight, because that is not a role tonight—it is to take the testimony tonight, and we will follow-up on it later on. She stated that we will end the meeting at nine o'clock.

Senator Sorenson said that having the meeting in January is something new this year. As people who have attended previously would know, we normally had this meeting in March. She stated that by the time we got the transcription of the proceedings, it was getting late in the year to follow up on things, because the Family Law Commission only meets during the months that the legislature is in session., so we

moved it this year to January, so it would give us more time to follow up on the issues that are presented. The first person then was called up to give her testimony.

- 1. Melaine Minear** – “Good evening my name is Melaine Minear. I am 57 years old. I have been a Delaware resident, property and business owner, and tax payer since Election Day 2000. I appreciate the opportunity to speak at our Family Law Commission’s annual public meeting. It is important that citizens be given an opportunity to voice their opinions, a part of the democratic process. I had great hesitation with regard to speaking here tonight, as I spoke not long ago, before a panel of individuals appointed to investigate the status of medical care within our State prison system. So many of the brave individuals who spoke that night, shared deeply disturbing stories of their experiences with living with that system. My words were riddled with emotion as well. It is difficult to set aside one’s emotions when given the rare opportunity to voice ones personal experiences involving family relationships, and the governmental systems that are employed to oversee the general welfare of our communities and our nation at-large.

A Cry From the Marsh by Dharna

For one small boy child
I weep with great sadness
For one so tender of age
I hold my head down with shame.

Shame for a tragedy
That might have been prevented
Shame for a society gone chaotic
We carry big sacks of anger and apathy.

Drun bada drun, drun bada drun

Go sleep little boy child
So brutally beaten, and thrown
so far, like one great pass of the ball.
Barely holding little nostrils above water
Skull broken and filling with blood.

Drun bada drun, drun bada drun.

Left for so long, for what seemed
a lifetime, only a few hours they say
until one brave man, unafraid to
enter that dark unknown, heard a cry
so faint, and screamed “I FOUND HIM”.

Drun bada drun, drun bada drun.

For one brief moment the beating
sounds of the Kitts Hummock marsh
hushed, all creatures ceased their calls
and the tall phragmitis quivered with relief
as it gave up its injured boy child.

Drun bada drun, drun bada drun.

'THE MARSH BABY'

She continued, "Sometimes truth is stranger than fiction...and sometimes more painful. I have hope in my heart for this child, as well as my 14-year-old nephew---and I still have hope for our family which is now in tatters as well all those who bear the consequences of social injustice. This incident about this child was preventable. A former resident of our community, having been employed by DuPont Children's Services had repeatedly e-mailed the State of Delaware agency, Children's Protective Services, about the obvious abuse of this 10 week old child. This incident SHOULD NOT HAVE HAPPENED! It was preventable.

There are many issues relative to our Family Court system that need to be addressed. Some of the issues, such an open court are currently being reviewed by the Family Law Commission. She said she has spent a great deal of time since 2000 in the Court of Common Pleas and Family Court as a victim. I am very concerned about the de-institutionalization and trans-institutionalization and dumping of people with mental disabilities into our communities. The situation with the mental health system and the criminal justice system has become a football game. The people with disabilities, as well as the families and those who are attached to the disabled are missing out on that completely and it spills over into all of our courts including Family Court. My 14-year-old nephew, as well as this 10-week-old child has become victims, and I hope we can improve the system. She concluded by saying that she appreciated the Commission's time." *Her time was up and as promised, we are including the remainder of her comments.*

Having spent an inordinate amount of time in dealing with the court systems in Delaware, as a victim, I have many frustrations and concerns about the quality of care, so to speak, rendered by the Family Court and the Court of Common Pleas. Just the fact that these two courts do not share their database is a topic in itself!! I have been there, waiting for a hearing at Family Court, when the defendant was scheduled at the Court of Common Pleas simultaneously! Now, how is that one asks? There are many aspects of the Court system that do not involve logic.

Within my wallet, are the usual items, a driver's license, credit card, family photos and the like? I also have a document in my wallet that is not so common. It is a lifetime protection order from the State of Washington. I became the recipient of that document in 1999, after an incident that was precipitated by a brother, who was a resident of Delaware. When I contacted the police, the Judge inquired about the circumstances involving our family relationship, she asked which I preferred. There were two options—a one year PFA or a lifetime PFA. She suggested that I consider a lifetime PFA based upon his mental health diagnosis, numerous hospitalizations, and behavioral issues. I concurred. Her parting words were "You're going to need it." This Judge had compassion, and understanding of the ramifications of sporadic, but continual victimization. It was apparent that she had some expertise in the field of mental health.

It has now been approximately six years, since becoming a lifetime member of the Protection from Abuse "club. Pardon my sense of humor, or sarcasm, as it were. I

sometimes feel as though I am more a victim of ineffectual systems than of the actual perpetrator. I have been a victim of physical abuse, mental abuse, intimidation, theft, vandalism and destruction of property, theft of credit cards, identity theft, terrorist threats, and harassment. I have suffered emotionally, psychologically, and financially. I have suffered the loss of a quality of life that most take for granted. I am not alone.

Since returning to Delaware in 2000, I have survived abuse by a next door neighbor, who obviously suffered from severe advanced alcohol dementia and mental illness. After 1.5 years of living an absolute nightmare, trying to get help from the police and the Courts, she was inappropriately placed in a woman's correctional facility. I sat at one hearing at the Court of Common Pleas, the arresting state police officers also being in attendance. I was appalled that after two 3+ DUI'S, just for starters, the presiding Judge waved the DUI'S—tossed them out. The officers shook their heads. I was devastated. I had witnessed this woman driving while totally inebriated day after day at high rates of speed through our neighborhood. I had listened to her screaming obscenities and threats, ongoing, night and day for over a year. She is gone now, but not the haunting memories. I spoke no unkind words to her. Though justifiably afraid, I later found pity for her.

I have great frustration with the fact that our State Mental Health Hospital is not unavailable, with the de-institutionalization and trans-institutionalization of those suffering from mental disabilities. Our communities and our prison system are not the treatment centers for those individuals. There is very little available to those who need long term care. The State of Delaware Department of Social and Health Services, Division of Substance Abuse and Mental Health bares the responsibility for having so dramatically reduced the quality and availability of care. What does this have to do with the Family Law Commission and our Family Court?

Here is a prime example of just how frightening reality can be. Not too long ago, a man who suffered from a severe and persistent mental illness went to the St. Jones Center for Behavioral Health in an attempt to be admitted for treatment. He was turned away. Within a day or so, he returned with an axe and began to rearrange the lobby. He was then committed for care.

That is one example of how dysfunctional the mental health system has become. With that, so to will our criminal justice system suffer further decline, as well as the court systems, including our Family Court. It is all about statistics and money. None of our personal experiences really matter. It is about getting the herd processed and those employed getting their paychecks, their benefits, and vacation time. That is really the bottom line reality. None of what I, or others suffer individually really matters. One needs to set aside emotion and address all of the systems as one.

It is time for a wake-up call about our governmental systems, including our Family Court.

1. The governmental systems need to start working TOGETHER.
2. From Law Enforcement officers, to Judges, to Court Clerks education about mental disease and substance abuse are tantamount to the survival of these overburdened

governmental agencies, and some reasonable quality of life for victims of crimes and violence.

3. Victims are entitled to the pursuit of happiness. As stated in Del. Code 9404, 'Victim's interest in speedy prosecution; Section (a) The court shall consider the interest of the victim in a speedy prosecution. If the defendant is not 'Competent to stand trial'. It seems logical that the Court appoint a Guardian Ad Litem. It should not take 8 months to get a PFA violation processed through the Courts. There needs to be some timely 'closure' as it were.
4. Victims who are not 'intimately involved' with a defendant are not entitled to financial support, housing, or counseling, and medical services.
5. Victims are 'herded' through the Family Court system like cattle. Typically, victims are rushed through the process, have very little time to discuss the issues and alternatives with their appointed legal representative, and after the plea bargaining state are given very little time, guidance, and explanation about the legal process and ramifications of their decisions.
6. The topic of diminished sentences, due to plea bargaining needs to be addressed. Is there a process in place for reviewing these decisions made by Judges and Commissioners? I was told that there isn't, but feel that there needs to be a review process in place. It seems logical that our appointed Judges and Commissioners be accountable to someone. As an example, the Judge who waived the two 3+ level Due's is purported to have a serious issue with alcohol dependency. If that is the same, does it not seem just that this individual should have responsibility for his own behavior, and either retire from his position as a Judge, or seriously consider enrolling in a treatment program.
7. The State of Delaware offers a one year PFA with the possibility of a six-month extension. I ask that the Family Law Commission consider the option of a longer PFA plan. This would give the victim's of domestic violence and crime a greater opportunity for stability, continually, and more adequate protection. Although I attempted to gain statistics from the Family Court, I was told by the Family Court Administrator that they would not furnish any statistics to me directly, and that I should contact my appropriate legislators. I followed his suggestion. One was obviously not interested, and the other initially showed interest, but did not return my inquiries after several months of alluding to 'making progress'.
8. All governmental agencies that are a part of our community care, including law enforcement, victim's services, the mental health system, and their community contract care providers, as well as the prison system (as the new option for mental health care) and our Courts, need to work together toward closing the obvious gaps that are now perpetuating problems on an even larger scale. We must consider the children and how their chance for a reasonable quality of life are so impaired by our lack of effectual governance. The bottom line—No child should be repeatedly requested to attend Family Court proceedings. That is *WRONG!*"-

This is the conclusion of her comments.

Our systems, including Family Court, are obviously overburdened and understaffed. With the dumping of our mental health hospitals, and the plea-bargaining away of sentences, perhaps primarily due to our overflowing prison systems, it is imperative that

we take a more *PROACTIVE, PREVENTIVE* approach toward improving the quality of care and service provided by our Court systems. In a society so obviously gone chaotic, we each need to pick up a small piece of what matters and dare to make a difference.

2. Jeffrey M. Samluk He began by saying, “Good evening and I want to thank everyone for the time to appear here tonight. This is a personal issue that I have had to deal with since the separation in November 2003. As of this time, I do not have the custody order for my three children. I have been to the courts back in May 2004 and that was for the custody parts and the interview of the children in June, and I am still waiting on a decision now at this time. No one has been able to give me any information on why there is the delay. I understand that there is supposedly a backlog of court’s time etc. but our case was not that difficult. We had some differences, and that is why we are divorced, but I was told that when we went into the court system and before the Judge, I had to show that we could get along. Otherwise, I stood no chance of getting 50% or shared custody with my children, which I don’t understand. Again, the simple fact was we didn’t get along, and that is why we are divorced.

There is a fabrication of a PFA... I went to fight that in the court and my attorney at the time said basically said go ahead, and we will plead no contest, we will take care of it. I didn’t know that it was going to be a year before I got a court date. So, I am still waiting under those guidelines. I was a full-time father, I was the soccer mom; I did 90% of the drop-offs and pick-ups; I did all the swim lessons with the kids, I did all the pickings of the dates; I did all the things with those children, and I have been basically stripped of that action. And really what it all comes down to is really all about the money. The PFA dictates the amount of time I get with my children, but also and how it relates to the Melson formula, is the amount of money she gets for support. All the money that is provided to her for the children, I wish I could say to the point that that was my only issue, but there are so many things that come behind it. I pay an exorbitant amount for the children based upon their private school and their summer camp program. All of that money went to her tax free, and yet she is allowed to claim the children on her taxes at the end of the year, so I pay again an exorbitant amount of money, and she gets all the tax benefits of my income on top of hers, and I get nothing out of that except my salary from taxes. This also doesn’t cover the dentist, doctor bills, or orthodontist. I just got a bill from her for another \$2,000 that I have to pay 72% of on top of the child care and support issue.

Nobody can tell me what is covered under the support order. Is a haircut covered? I e-mailed the State of Delaware. The State of Delaware said they cannot give me legal advice. I don’t want legal advice, I just want to know what is covered under child support and nobody can tell me. My attorney when I asked him said basically, we can research it for you, but it is going to take several hours, and it will cost \$1,000 to \$2,000 to find out what is covered under child support, but a haircut is. I said okay show me in writing, because my children went 12 weeks in the dead of summer without getting their hair cut, because she refused to do it. I had to take them on my vacation, on my limited time I get with them; I had to take them on my vacation time to get their hair cut. I do not understand why the State cannot tell me what is covered by child support.

That is the same with the two-list method. Because of the fact, that we don't have the custody, I have to go through the list with my ex-wife what goes in the two-list method. She is claiming now that everything that was part of the kid's items, she is laying claim to, because she is the primary parent at this time. So, basically, I have to replace 100% of their items for myself at my residence. I don't think that is quite right. I have tapes of her saying that she doesn't want the kids; she was dumping them at my apartment door; she was saying that the PFA was a mistake. She accused me of molesting my children and that I would only have supervised visits. All of that I have on tape that I wasn't allowed to use, because Delaware is one of 12 states that has the two person consent law. She told me she was going to commit suicide; she told me she had leukemia, that she had oozing and that she had all this other stuff. She is claiming the victim here, but I am the victim of the system. I have lost my time with my children which I will never get back, and it has been over two years, which I do not understand. I still do not have a ruling on my custody at this time. So, basically, during all this time I had to play nice inside of the courtroom, because they told me if I went before the Judge and showed that there was any disparities, and that we couldn't get along, that I would never get a 50% custody." Thank you.

Senator Sorenson said that before we went on to the next person, she wanted to introduce two other people she wanted to introduce and they were State Representative Bruce Ennis and another member of the Family Law Commission has just come, James Morning, who is a long time member of the Commission.

3. Stan Sussman – This person did not appear.

3. Cynthia Smith – She began her comments by saying, "Good evening members of Family Law Commission, Parents, and Fellow Advocates. I would like to first introduce myself. My name is Cynthia Smith, mother of three young girls. You will find a complete list of the organizations I belong to in my printed statement.

Briefly, I belong to and actively participate on the following Boards: Women of Color Cover the Uninsured, Delaware System of Care and the Coalition Against Domestic Violence; Nellie Stokes Elementary School PTO, serving as the event Coordinator and Parent Liaison council member.

I come before you to testify about my experiences with Family Court. On January 2005 my husband announced to our children that he was going to divorce me. Our children were devastated about the news. My 8 year old then went to school crying and told her teacher. I called all my children's guidance counselors about what had happened to see if they could possibly monitor my children on how they were taking the separation. I reached out to my friends who had experienced divorce and had given me some advice and prepared me for the worst (sic) that my children may be acting out and that I would need to be understanding about what they are going through. Since the announcement of the divorce, my husband has been systematically undermining my integrity in the community, as well as with my children who are also being alienated from me.

Verbal intimidation from my former spouse included insinuated threats such as, “Enjoy your kids now, because you will never see them again.” Under the advice of his lawyer and to further alienate me from my children; my former spouse enrolled the children on various sport teams without letting me know when their practices were, or when they were coming home. The children’s father also filed a false allegation of abuse, including sexual abuse leveled against me. It is unclear to me why this motion which failed, based on his false allegation never resulted in any action to hold him accountable for such a claim. After DFS investigated the allegation, they found no evidence of abuse. DFS did send a domestic violence advocate to help me, as I had to file a PFA against him. He filed a cross PFA.

Mr. Smith filed for divorce the next day which included a falsifying statement that we had been separated two months prior to our 20th wedding anniversary, thus attempting to deny me alimony. Mr. Smith also continued to abuse his position, as he cashed our investment without court order, closed most of our account and credit cards, barred me from coming to the house after he lost the hearing even though the motion should have been denied, since he based his on lies and falsified my residence, so he can get custody of our children. He conspired with his brother and had me arrested for criminal trespassing by using a misspelled address. It is important for this group to know, the children’s father has continually violated our court-ordered visitation. Since there have been no sanctions imposed, our children have not been allowed to live with their mother for nine months. They are my children.

There does not seem to be any recourse under normal circumstances for the targeted and for the damage done to the children, and there certainly does not appear to be procedures in place to arrest the situation in an urgent basis. The abuse was allowed to remain, and my relationship with my children is severed, and our children are developing behavioral problems. If the Family Court does not act on this, then, in a way, we are abandoning them to the evil ways of the abuser and throwing away any change of reasonable relationship, as well as allowing the negative aspect of parental alienation to continue to effect on my children’s lives.”

She said that her five minutes were up and that she had some copies made. Thank you so much.

This is the continuance of her comments:

Since the issuance of the ex-parte’ order emergency custody based on false allegations, my ex-husband presented several copies to all of the schools, the church, and the girl scouts. This negatively impacted my ability to continue my school related volunteer and support effort. I usually stop in to eat lunch with my daughter most school days. After May my 8 year old daughter asked the lunch monitor if she could ask me to leave the cafeteria, because her “Daddy said that the court said *Mom is not allowed to see me.*”

Mr. Smith also accused me of stealing his mail, ranting and raving (note I was barred from the house since) accused me of dissipating marital assets, but in reality, my lawyer

sent a letter that there's missing items being removed at our property. He also accused me of stealing food in the house to support his motion of interim relief.

If the judge granted a motion to be heard, it is likely I would have been awarded custody of my children. We had provided the court material evidence, and the opposing party did not have any material evidence presented. Due to a technicality which we argued that we responded timely and provided evidence that there was a 3-day-holiday on Memorial Day weekend. The Judge denied the argument, and the abuser continues to abuse me verbally. There were degrading remarks made to me in front of my children.

After the Judge recommended *supervised* visitation based on the recommendation of the children's counselor and my agreement to such an arrangement, the actual order signed stipulated *therapeutic* visitation, which is usually requested when there is a high level of concern for the child's safety. The actual signed order allows the children's father to bar me from talking with my children on the phone, seeing them outside of their home, and any physical display of motherly affection such as a hug. The children's father and attorney have threatened me with contempt if I do not stop attempting to visit and contact my children, all of which was not in the original order.

In Closing

I would like you to use this testimony to look at the courts procedure in following through with sanctioning those who continue to bring false information to the courts. Although I understand the court's primary concern is to protect children, there should be greater urgency placed in reconnecting a parent with his/her children after allegations of abuse are proven false. One last point of concern is to make the court aware of the many parents who may have no family other than their spouse in this country for emotional support during Family Court issues. Therefore, a greater effort should be made to provide community linkages and safe havens for these parents."

5. John Flaherty He began his comments by saying, "Good evening ladies and gentlemen. My name is John Flaherty; I am the lobbyist for Common Cause of Delaware, a non-patrician, non-profit citizen advocacy organization dedicated to government reform and accountability. I am here today to urge the Family Law Commission to support efforts to have Delaware's Family Court's consider including the cost of making audio tapes of Family Court proceedings available to the public, as well as to urge the Family Court proceedings be presumed open, with a provision to allow one of the parties to a case to petition the court for closure. In February Common Cause hosted a citizen's public hearing to solicit testimony on whether Delaware's Family Court should consider adopting a policy to make audio recordings available to litigants involved in Family Court proceedings. At our citizen's hearing, public testimony was overwhelming positive that Family Court audio tapes be made available to the public. According to research conducted by the Delaware Court Reform Initiative, Delaware's procedure for access to audio tapes of court hearings is: a litigant must make an appointment with Family Court which could take up to several weeks; the litigant must sit with a court employee to listen and take notes from the tapes; a litigant cannot receive an audio copy only a written transcript is available upon request; transcripts can take up

to a month or longer to receive; it could cost from \$100's to \$1,000's of dollars depending on the length of the proceedings.

The Delaware Court Reform Initiative presented testimony that almost all states audio tape Family Court proceedings make copies of tapes to the litigants at a nominal cost. For instance West Virginia was \$5, New Jersey was \$10, and Pennsylvania was \$10, and Florida for cost. Common Cause urges the Family Law Commission support efforts to make audio tapes of Family Courts proceedings available to the public. They also urge the Family Law Commission to support efforts to increase the transparency of Family Court. Family Court proceedings should be presumed open, with a provision to allow one of the parties to petition the case for closure.

On July 16, 1997, then Governor Carper signed H.J.R. 4 as amended by House Amendment #2. The resolution stated in part that it is the intent of the 139th General Assembly that except as otherwise provided by statute all Family Court proceedings and records may be open to the public, unless the court determines on a case by case basis that privacy is in the interest of the public, the parties, or the court.

In 2004, Common Cause held three state-wide public hearings following a call to the person or persons who have expressed concern by the lack of openness of the Family Court proceedings and the fairness issues implicit to the closed door hearings. Speakers at the hearings represented a wide perspective of views and related their experiences regarding Family Court proceedings, and why they believe openness will help bring more balance between the parties and increase Family Court's standing with the public. Every one of the 40 people who testified in person indicated that Delaware citizens should not have to petition the court and possibly be denied the right to an open hearing as guaranteed by the Delaware Constitution in Article 1, Section 9 which says in part that the court shall be open.

In one case a citizen testified that she was required to pay an attorney and filing fees to petition the Family Court to have her hearing open. She was required to pay legal fees for a right that she already has. Justice Oliver Wendell Holmes states in part – It is desirable that the trail of causes should take place in the public eye, not because the controversies of one citizen with another is of public concern, because it is of the highest moment that those that administer justice should act under the sense of public responsibility, and that every citizen should be able to satisfy himself, or herself, with his eyes so as to note in which a public duty is performed. I will end it there and thank you for your time.”

- 6. Mary Anne McGonegal** Mary Anne began her comments by saying “Good evening members of the Family Law Commission and members of the public who are here attending. I am Mary Anne McGonegal, and I am secretary of Common Cause of Delaware, and I would like to second the comments made by John Flaherty. I would like to address an issue as my perception of Family Court and the issues surrounding the openness. I notice, and I want to thank you for the hand-out, that the Commission shall study and evaluate the rules and procedures of Family Court, and I would urge you to

take this really seriously. I attended the Court's Budget Hearing in the fall, and I testified about the necessity of having an open court, particularly now since Family Court is a Constitutional Court. I understand the desire of the Family Court Judges to be on a par with what they perceive the higher level of the judges and also with the increase in pay. Along with that change in status and change in pay comes a certain amount of responsibility to obey the openness that is supposed to come with the Constitutional Court. I find it deeply disturbing that that is not occurring, and I think it sends a very bad message to all these people here who come—and it is very disturbing—who are looking for some justice, and they are not finding it now. I think it is incumbent on those who have the power and authority to make these decisions and to hold Family Court accountable, and to press hard to make sure that Family Court does open their proceedings. I think you will find much less of all those problems that you have already heard and that you will continue to hear tonight. There is nothing like openness to do away with public charges and the perceived injustice that many people suffer from. I do want to comment that when I testified regarding the open court issue at the Family Court at the Court's Budget Hearing, Family Court and the Chief Justice did not respond to my testimony, but one of the judges approached me afterwards in a very hostile manner and demanded to know why I was raising this issue because that it was going to be settled by the courts. It was my perception of his hostility coming from the Chief Justice of the Supreme Court regarding this issue that I who have who have worked in the legislature and who has a great deal of experience, if I am feeling threatened and intimidated by the Chief Justice, I wonder what happens to these people. So, what I am asking is that you take seriously the request of Common Cause of Delaware and many others to make sure that the rules and procedures are in place, that there is consistency throughout the counties when there is no consistency from one hearing to another that a proper procedure is in place and that Family Court is meant to abide by them. I do not mean to be critical of anybody or anything, but I wanted you to know my perception of what I felt when I testified publicly at the Budget Hearing. Thank you very much.”

Senator Sorenson said, “As a side comment, we do have a sub-committee who is looking at the issue of open Family Court and that committee did not meet for a long time, because we were waiting to see the outcome of the court case. Now that that court case is settled, we can go back to looking at that.”

7. Karen Hartley-Nagle – She began by saying, “Thank you very much for being here tonight. My name is Karen Hartley-Nagle, and I am Executive Director of the Nagle Foundation, a foundation dedicated to protecting children's rights and preventing child abuse, neglect, and family violence in society. I am also a candidate for U.S. Congress, and I have filed a Chancery Court case along with Michael Door, who ran for Lt. Governor. We will be filing in the Supreme Court and appealing the decision that we were denied at to have open court. What I am here tonight to talk about is the experience I am having right now in Family Court. I had filed an appeal with the Supreme Court of the State of Delaware and I prevailed on that appeal. My case was reversed and remanded back to Family Court. The appeal talked about how evidence was kept out of the record. The Supreme Court agreed with me and the argument I had was—I wasn't arguing about what was in the record, because evidence was not allowed in. I had to

argue about what was kept out of the record, and the Supreme Court agreed; there was an abundance of evidence that was kept out of the record. This is very disturbing. They also reversed and remanded on a coercion duress matter in which I was coerced into signing an agreement by the Office of the Child Advocate, Deputy Child Advocate, Angela Faller, Tom Gay, and Dr. Ted Wilson. Now having that reversed and remanded, we are right now hearing that case, and it is being heard in Family Court in Sussex County. I just finished yesterday the 4th day of a possible 5-day-hearing, and we will probably have one more day. Three months ago Tom Gay, who is the attorney for my ex-spouse, said through a third-party-counselor told them that if I did not drop my Supreme Court appeal that I would not be allowed to have visitation with my children. I asked them if he could put that in writing, and I would consider it. For pursuing a right that I had to an appeal and not dropping that case, I have been prevented from seeing my children for three months. I have filed a Motion for Sanctions in Family Court which has not been addressed by Family Court. It is very concerning. I am being coerced into dropping the appeal to the Supreme Court that I have a right to, and a coercion to arrest manner in which this attorney is being charged with coercion. I cannot believe that this has happened. This is mocking the Supreme Court and it is mocking the order of Family Court. This shows no respect for our Family Court by an attorney at all, and this concerns me because this attorney believes that he has the right—he can do this and get away with it. This is not okay. The attorneys in our State think that they can violate orders of the Supreme Court and Family Court Judges. I am asking each one of you to reign in attorneys, and I do believe most attorneys in the State are good attorneys, and most Judges are good Judges; I am not at all making allegations about most of the Judiciary in this State, but this is happening. This attorney believes that he has a right to do this, and he has got away with it. This is going to have a chilling effect on anyone pursuing a Supreme Court appeal. We are talking about, this is our life. This is how we get justice. I am here to talk about this, even though I am concerned that the Supreme Court may be upset about this, me discussing this, but I believe that it has to be brought up because how many people are not speaking up; how many people are being retaliated against; how many people are afraid that they will not see their children if they pursue an appeal? How many other attorneys are doing this and people are not speaking out? I ask each one of you to take this very seriously, and to look into if this is happening to other people. I have been very public, but he feels—this attorney feels—that he has the right to do this. He knows that I would probably speak out about this. This is concerning, and why has this judge not acted in three months. This has harmed my children, they have suffered irreparable harm, according to every counselor that is involved in this, and there are three. They have said, absolutely, that my children are being harmed right now by this. This should have been fixed within 24 hours, and this attorney needs to be held accountable, and the Motion for Sanctions that I filed needs to be addressed. Thank you.”

8. Raetta McCall She began by saying “Good evening those on the Commission and the public and those who are representing the court system. First I want to thank the Commission who under the change of chair from Representative Buckworth to Senator Sorenson that has come into the 21st Century. You now have a presence on the web. When I first discovered this commission, not many people knew about its existence and

some of the commission probably preferred it that way. Now your minutes of your monthly meetings are available, and I am sure the public will appreciate what the commission does during their six months of monthly meetings. Secondly, I want to thank the commission for holding this Public Meeting in January rather than March. My hope is that you will take information from this meeting and make the most of it. I will admit that you have begun to listen, but not yet begun to take action on the hard and difficult issues presented to you from the public. Thank you for your updates on things that you have been doing. One of your charges under H.B. 699 passed in 1984 was to disseminate information to the public. I understand that the commission disseminates that report to Senator Thurman Adams and Representative Terry Spence yearly. Is the report available to the public and where does one get such a report? In the near future, can you let us know about the status of the following in your May and June minutes? In your May minutes of 2005, the issue of perjury was discussed and the commission decided to write to the Attorney General's office about this. You discussed about getting **Rule 11**? on the Family Court web site to help litigants to have more information. Representative Pam Maier said that she would have a legislative fellow do research about custody evaluators having Standard Regulations and Guidelines to follow in their custody evaluation. Does anyone have any information regarding this research? Representative also mentioned inquiring into Regulations and Standards for Mediators, as well as to seeing data on cases seen by a mediator. These mediators are able to influence the outcome of a case. Any information forthcoming on this? It was discussed that a letter would be sent to Chief Justice Johnson Kuhn regarding Judges who have not made decision on ancillary matters in over a year. Was the letter written? Jean Ardis, part-time secretary for the commission, stated in a recent interview with the *Dover Post* that some of the same issues would no doubt be brought up again tonight. Ms. Ardis mentioned the issue of availability of audio copies of hearings for a nominal fee compared to expensive written transcripts. In 2003, 2004, and 2005, I approached the subject. Each year in your response you give the same answer—you discuss the status quo of written transcripts being available to litigants. Please understand that I know the status quo, I am seeking an alternative to the high cost of written transcripts. I am making a suggestion that I would like this commission to take under consideration and address with Family Court. Other states, as John Flaherty said offer audio copies for a reasonable fee and Delaware does not. As a Commission, please recommend this practice to Family Court. There are several legislators on this Commission, and I encourage you to introduce a bill to allow this procedure. Until someone sees Family Court as a litigant, no one has any idea what the experience is like. Litigants become out-of-balance with life and struggling with court issues. Many families that were once middle-class are forced into poverty. Children change households weekly—some every three days. One child was overheard saying *he didn't know where he belonged that night*. Children's college funds go up in smoke, or should I say into the pockets of lawyers who are the true beneficiaries of Family Court litigation, and they use judicial decisions and have litigants in a revolving door making it a very lucrative business for an attorney and sending parents and children into a cycle of imbalance. Parents lose their perspective; they are continuing going round and round in hearings, many attempting to do what is best for themselves and their families. Vice Chancellor, Leo O. Strine, Jr., stated in a recent hearing that each court makes its own rules. Well, where is the oversight, where is the accountability, and with

closed doors to Family Court where is the transparency? Bill Lee, a candidate in the Governor's race in 2004, and a retired judge, stated on radio that the Family Court has been around for 50 years and maybe it is time for a review. So, in closing, I am challenging the Family Law Commission to be more pro-active. New Castle County resource center offer litigants 15 minutes with a Family Law attorney. I suggest that they expand it to Sussex County and Kent County, offer audio copies to litigants, and as a Commission review the Best Interest of the Child statute during the 2006 session. Presently it is only used as a weapon to keep Family Court closed. Depose or initiate yourself in a review of the present rules, policies, and procedures of Family Court and the agencies that support it and follow it up with suggestions if needed; investigate guardian ad litem and custody evaluators and guidelines. Inconsistencies abound in this area and should not be tolerated. Finally, I would like to thank each and every one of you for coming here tonight. Some of you may have stepped out of a fearful place, finally making your concerns known. Understand by not speaking out will only get you what you have already gotten—a broken system that will remain broken. As long as people accept status quo, we as a people must stand up and speak out together. There are people who are working hard to make a difference, and I challenge you to take the next step and make a difference. One voice can be easily silenced, but many voices can, and often do, make a difference. Thank you.”

Senator Sorenson said, “One of the things that I had in my notes to say when I made the introductions tonight; I forgot to give you the website for the Family Law Commission and that is www.state.de.us/flc and on that you will find the minutes. Our first regular meeting of the year for the Family Law Commission will be February 9th, 2006. so we have not yet met as a commission in a regular meeting since last spring. Letters were written and we do have responses and we will follow up on those at that meeting.”

9. Roy Bryant He introduced himself by saying, “My name is Roy Bryant, and I appreciate the opportunity to speak before you. I have three issues that I would like to address, mainly the time spent in the court, abuse of the PFA system, and the lack of open communication within the court system. For the last 4 ½ years, I have been in a case that was brought about 4 ½ hears ago. For the last 4 years nothing has been heard on the case. At that time my child was a victim of an assault by his mother. She was found guilty. I requested supervised visits and requested that she have counseling. At that time she was denied supervised visits. At that time I never thought to take this child from her—I just figured she needed some help. I was denied the supervised visits and the counseling was ordered, but I was ordered to pay for the counseling.

On the second issue it goes right into the abuse of the PFA system, because as time went by, she stopped going on her own accord for 2 ½ years not seeing the child. When she came back to be with the child and wanted to be back with the child—I was open and I tried to work with her and to do things, but I was still concerned for the child's safety, and the child had issues from what has happened to him in the last couple years. He actually asked me *Dad, I want to go and live with my Mom*, and I said that is fine, but we have to work on your school and stuff like that and get you situated before you leave.

That wasn't good enough because she asked me to have a vacation at the beginning of the school year. School was a serious problem for him, and I said I didn't think it should happen. I have been dealing with him for 2 ½ years, and I was interested in him learning what he needed to do. That wasn't good enough, and for the third time she filed a case with the DFS and alleged abuse against him by me. At that time, I was actively involved with the DFS worker, and he told me it was unfounded. When it came time for her to go on her vacation, he couldn't get a hold of her. He made a phone call—that didn't work out, and nothing was happening and the next thing you know, I was at my work and I was told I had a PFA filed against me. I live in Kent County, DE, and the PFA was filed in New Castle County. I had no recourse—I figured it would have to go to Kent County. I was told by nobody that I had to spend time and money to get it moved down here. It cost me \$1,800 for a lawyer when I was raising my child for the whole time. It ended up, I did have some left, and I contacted the Center, and she helped me get it moved back to the court of origin. It is sad to say that in the abuse of the PFA filing, if only one phone call had been made on this alleged abuse of a child, one phone call had been made by the Court or the Court Commissioner to the DFS and saying is this being investigated, and get the answer *Yes, it is and it has been unfounded*, I would never have had to go through the three weeks without my job and the loss of time. It was very emotional for me at that time, because I didn't know what could happen to my job and what could happen to my family if I lost my job. There was no concern for her, because at that time the DFS worker actually did get a hold of her, and she said *I can't come and talk, because I am on my way to my vacation*. Needless to say it was continued for three weeks, until she got back from vacation, and when she went there all she wanted was custody of the child. You are forced—as I listened to other people about what you are forced, or what their feelings are. I have no recourse for the 4 ½ years in a system, but in ½ month my child will be 18, and I won't have to deal with Family Court anymore.

It is hard not to become emotional when you talk about these things because of your family, or you feel things are, but if there were checks and balances, even with the PFA system, nobody would have to go and have the PFA filed—they would have looked up her record; looked where she came from. I mean, I had to pay for her counseling when it was time after she had been convicted—that just didn't make any sense. And in this last communication, you have empathy out there—maybe just a little bit, but you never get answers. Every time you do something, you have to file for it.

In summary, if the entire procedure was not delayed, there wouldn't be an abuse of the PFA system. I think it is a good system for the people out there that need it. If you had open communication with the court system—the courts and the avenues of our state then these things wouldn't happen. Thank you.”

10. Heidi Pugh Phillipson –She began by saying, “Good evening, the subject that I am presenting is on the Delaware Code. I am going to be submitting the correspondence, I have already sent you all a copy of it, but I am going to send you a copy of the response that I got from Chief Judge Kuhn's assistant. The focus of that correspondence was on Title 10 and Judicial procedures I won't go through all of the numbers. The first law or part is 907-Administrative and Duties of the Courts and that is part 5. *Make and*

establish court rules governing rules, policies, and practices which shall be uniform throughout the state. I have been requesting that information since last April, I think—you guys haven't seen it. In that letter I requested it again; it still has not been given to me. I really don't think that there is a standard, policies, and procedures.

The next two are even more interesting and will segue (sic) into probably the most important area that I want to discuss tonight. 9.10 and 9.11 are two positions; they are Master Degree positions, Director of Treatment Services, Supervisors, and Counselors. These are both Master Degree positions in the Mental Health field. They are also overseeing staff. These are in the *Title 10 Delaware Code* that governs our State and our Family Court system. I was talking with Randy Williams, and he is the Director and Administrator of the Court. back in the spring, downstairs, and I was asking him about those positions and since I have been trying to get out of Family Court since 2001, I really felt that I needed to speak to one of these people. He laughed, he didn't know who I was then, and he laughingly told me at that point that those positions haven't been in existence since Child Mental Health moved out in the late 90's. Well I worked for DFS then, and they came over to Silver Lake with us. The way he said it made me really believe that they were never really in existence at that time either, they just went over and used the doctors over there. So, I followed up with the Chief Judge to try and get that information. That information was again dodged in the letter that I'll give you. I didn't really want to bring this to the public, but I have tried for over a year, and I am tired of it.

Let me see, the second part of that letter was focusing on ---let me go back. What the letter from the Chief Judge said was that that area was created with the creation of Family Court in the 70's maybe, and at that time they were worried that the orientation of the Family Court was to focus on treatment modality. Well treatment modality in the Family Court system from my belief would be a really good focus, and I don't know when that focus changed. Are you aware of any legislation that changed the *Delaware Code* regarding the treatment modality, because the standard answer that I got in the Judiciary Budget meeting last, whenever it was, was that Family Court doesn't make the laws, they just implement them, the Judiciary makes the laws, so I would like to know if we have changed that somewhere along the way and it just never got changed.. Oh my, we are really way behind.

The next focus that I wanted to look at was—I asked her about mandatory training. Coming from DFS, Child Mental Health aspect whatever, if you are a teacher or a doctor, a lawyer, Indian chief, you probably have annual mandatory training. Well, from the information I have not been able to get and have been asking for it doesn't appear that the Judiciary have annual mandatory training. Now, that is scary to me, because they are dealing with domestic violence, sexual abuse, every kind of abuse coercion, all kinds of things. We need to focus on that, and we need to focus on that immediately.

I was in mediation the other day and the mediator asked and I said *Sir, have you had any domestic violence training and he said Mrs. Phillipson I don't need domestic violence training, I am a mediator, and mediators don't deal with anybody that has a PFA.* I thought he was kidding to be perfectly honest, because I come from a different field, and

he was perfectly serious. Wait a minute you have to see people who are in crises, coercion, you need a check list to go down to ensure that domestic violence doesn't happen. There is another thing in our law, and I will give you. (Time is up) There is also a Memorandum of Agreement between medical assistance and the Delaware Child Support Enforcement. I have also sent 24 pages of Federal plans for the State of Delaware focusing in April to the Judiciary, the Joint Sunset Committee, and Child Support Enforcement. I have formed a business called CRACK – Cooperative Resource Agency Creates a Caring System—I would like to work as a team –a multiple disciplinary team for our children. Thank you very much. I am sorry I went over my time.”

11. Ann C. Easley - “Good evening, and I would like to thank the Family Law Commission for having this here. First of all, I am here for my son, who is an overload truck driver, and would like to speak on his behalf. I wish that he could be here, but I will try to do the best that I can, because I know he would do it a little better than I am. I am speaking on his behalf, because I will take you back to day one, and then I will bring you back to where I am now. My grandchild was only 3-months-old when all of this happened from the beginning when all of these false accusations was put on my son at the time only because he felt, and he was feared that he felt that his child was being in danger. She was dropped several times from her brother, deliberate we heard later, because he was jealous of the baby. My son only called the Hot Line to find out what he must do, because his child was in danger at the time. He felt as if, because when she fell the baby had hit her head, and the mother lied about it and she didn't tell the truth about it, and he rushed to the hospital and found out later from her mother that she had lied about how the baby fell. She wouldn't tell how the baby fell, she just told that it was an accident, but we found out later that the son, for the 3rd time, had dropped the baby on the floor, and this is when it all happened. So, he called the Hot Line to see what could be done about it, which he got no place with it. I, myself, have called the Hot Line many times for the same and more incidents after that.

Anyhow, I am here for my son, because I feel my son is being overlooked for what she receives for child support for one child. He is only three years old now. She was at the age of only three months old when he planned to pay \$800 a month for child support, only because this child's mother put what you would call a *false accusation* toward him, because she put a PFA on him stating that he tried to kill her and the baby too which was not true. He has been through this many times with the other divorce that she was involved in with her husband at the time, so this game was not new with her, she knew exactly what she was doing. My son happened to be the target not knowing what was going on and how to get out of it. So, in the court system, what I am trying to see, my son has been to court several times on this occasion about paying the \$805 for child support and not being really able to see his child. How did it get to be \$805 at the time is because this girl went to get—she got one of his W-2 forms which was a year old. The baby wasn't even born. She showed it to the court. The judge saw it, and my son said that that wasn't what I am making now, that is past tense. I have the right check stubs now, your honor, you can see them, but he said they would not look at what he had, they

would only look at what she had, so they planned for him to pay this \$805 a month for child support

Also, he did all he could and he tried to pay it at the time, and he got behind because the PFA going against him at the time he was in Louisville, KY working out of Louisville, KY is the reason why the girl got the W2 form, the wrong one, she knew exactly what she was doing. She gave it to the court knowing that it wasn't the right one. He was working out of Louisville, KY six months at that time when he was making the money then. He was not doing it at the time that they got ready to go to court. She used that—a year before the child was born.

Also, my son wanted to pay the child support, and been doing all he could to make the child support payments, but he couldn't get it through only because the job that he had he could not afford to pay the child support because of the child support being so heavy on him. He tried to get the court to reduce it, and each time he tried to go to court she blocks him out and everything, so they never did anything about it and this child he still cannot see the child peaceful, because this mother still is having the baby cry every time he is picking her up, and she is always crying, and she is fearful in her sleep, jumping in her sleep and everything, and I feel like the court should lean on the men as much as they do the women sometimes, I really do. I think they should listen to hear what the men have to say. Also, this is really a heavy fine. This does not depend on what she is making for the child support, it is all based on my son on what he is making, and I fear for my son and everything. He had to go to Anger Management classes also.

12. HERMAN ROW He began, "I have been a citizen of Delaware since 1970, and I have a few comments here I have to apologize to Representative Schooley up there, I was kind of harsh one time, I said some hard words on her receipt for Kid's Count, and she didn't send me another copy of it after that. I provided her with a whole packet of information about Child Support and child issues. I have heard many stories here of violation of court orders, the Protection From Abuse Orders and so on, and I am not even going to try and address something like that. The court fails to act, and it should declare those people in criminal contempt and lock them up in jail like they do anybody else. Instead they ignore it all the time, and it goes on and on. I have a son who has 12, and another \$125,000 later, who has 12 violations of visitation. He filed a Contempt Citation. The Judge took one of them and said, well she is good at the one and ignored the other one, and he fined her the cost of my son's lawyer's fee, but it has been going on since 2001. So, unless the court really wants to act and declare that that is criminal, there isn't a dam thing that is going to be done

13 Michael Brown "Ladies and Gentlemen of the Commission, my name is Michael. I'd like to thank you for letting me and everyone else here to speak tonight. We appreciate your interest in issues facing the Family Court, and especially the problems that many of us are facing because of decisions made by the Family Court. I am not accustomed to speaking in public, and so have written down some things I think you should consider about Family Court. However, since I am here now, I want to make a few points.

The Court seems to favor the mother in almost all cases, regardless of why a marriage broke up. The Court does not take into consideration that a mother may be in a better financial position than the father. The Court does not take into consideration the father may be paying off debts from the marriage. The Court does not take into consideration the fact that fathers, like me, have their children for half the year, but must pay more than half of what it costs to support that child.

Simply put, I do not feel many decisions made by the Court are realistic. They do not take into consideration real, day-to-day circumstances. In short, they are not fair, especially to fathers who have a real interest in the well being of their children and who honestly want to do their best for those children. One more thing, the Commission should do everything in their power to ensure Court hearings are open, as required by the Constitution of the State of Delaware. Thank you.”

14. John Hundley “Thank you for holding this hearing for public input on the potential modifications of the Delaware Child Support Formula. The occurrences of child support are probably increasing and to maintain a focus on the support calculations is very important as our economy, our social structure, and our responsibilities change over time. While the Melson formula itself may need a little tinkering, I think that the most important issue is getting the most accurate income and expense information for use in calculating the end result. We can debate whether the Self Support Allowance should be \$850 to \$950, or if the percentages in Table “A” should be changed, but if the income and expense information provided by the parents for completion of the formula is not correct, intentionally or otherwise, then the nuts and bolts of the formula really doesn’t matter that much. I hope that the review of the Melson formula is not limited to the formula itself. I think we have to look at the information being provided for the calculation and the tools that Judges and Commissioners, have available to them when making their decisions.

One source of information is the required submission of the Financial Report- Form 16 (a), when a support hearing is requested. While the information in this form is useful, the detail level on the EZ Financial Report – Form 16(c)EZ may be a better tool for Judges and Commissioners. The EZ form asks for three years of income information, which is useful in determining if there are income anomalies for whatever reason? A multiple year income and expense review seems to make more sense as a basis for making support decisions.

Also, the EZ form requires the submitter to attest to the answers being true and correct to the best of his/her knowledge and belief. For consistency, the same language should appear on the 16(a) form. As an aside, the 16(a) is 2 pages long and the 16(c)EZ is 6 pages long. One area in which I have experience issues is in the attribution of income for self-employed persons. While the required production of a year’s worth of taxes, W-2 forms, 1099 Forms and such are helpful (three years would be better), they are sometimes insufficient to determine an appropriate attributed income. I think it is too easy for the self-employed to manipulate income and expenses to serve their interests.

I believe that in the case of the self-employed people, additional financial documents should be required to be presented to the Court and the opposing party prior to a Support Hearing. These documents should include:: 3 months of Personal and Company Bank Statements, Annual Balance Sheet (audited or un-audited), Copies of any personal or business loan applications submitted in the prior 12 months.

As I understand the current process, in order to obtain documents as I have suggested, a *Request for Production of Documents and Admissions* must be submitted through the Court and that request may or may not be addressed by the opposing party. The Court should be allowed to require the production of any financial documents in deems appropriate for income attribution without requiring legal filings.

In attributing income to any part in a Support Hearing, there should never be an instance where a Judge or Commissioner should have to state, and I quote “The Court finds it puzzling that the mother was able to secure a first and second mortgage totaling approximately \$370,000 on a salary of less than \$50,000 (when secured) and that she have been able to maintain the payment s.” Judges and Commissioners need information in order to accurately and fairly attribute income. They should never be puzzled.

Another area I would like you to take a look at in the inclusion of annual bonuses into the support calculation. There may be as many types of bonus programs as there are employers in Delaware, but it would seem to me that treatment of an annual bonus could be pulled from the base calculation. Instead of including annual bonuses in the overall calculation, I think that you should consider a separate process for handing such income. I think that most people who receive an annual bonus would be agreeable to having a set percentage of their net bonus be paid to the custodial parent. This would put less month-to-month financial pressure on the support payer.

I think that the State should be benchmark against other states and possibly the Federal Government for modifications to the support formula. Even without my former spouse’s income information, the Social Security Administration is able to calculate the monthly benefit my children would receive if I were to die before they reach the age of 18. “ *This is the conclusion of his comments since his time was up.* Why not take a look at their calculation for comparative purposes? One other suggestion I have is, regardless of what changes you make, test them. Pull a sample of current orders and run the numbers using the old and new formulas. Make sure your changes make sense.

Finally, I believe the Child Support calculation should be a financial process peppered with a bit of legal wranglings, not a Legal process peppered with some financial wranglings. Overall, it has been my experience that too much money is spent on lawyers, but I don’t think my lawyer would share that opinion. Thank you.”

- 15. Robert Van Pelt** Good evening. I have my children back. (He held up picture of his children) People on the Commission saw them last year—they are now a year older. My name is Robert Van Pelt, and I just passed my third year anniversary on December 30

from when my spouse filed and putting me in the jurisdiction of the Family Court of the State of Delaware. I have no custody date, scheduled, and I am no closer to getting the custody issue solved for my children. My case has a motion before it from August 2005 without an answer in writing. I find that Family Court is one of the procedurally inefficient departments in the State. Games and continuances guarantee that the attorneys and court staff get their children through college while my children suffer. Family Court has rained on more abuse on my children than either, my spouse or I ever did, or could do. I am here to say with concrete fact that my son who is now seven years old was fine over the first two years after the divorce as he was shielded from his parent's actions. Now he is old enough to understand and asks me on his own initiative—*when is the court going to say where I am to live?*” It breaks my heart that another child's life is destroyed because they sit their on their rear-ends and they don't do anything. I don't understand it. Anyway, please open the Family Court so that the citizens of Delaware can fix some of these problems.

My issues are that there needs to be penalties for perjury in Family Court. Fine them money, put them in jail, but do not allow this to happen.. If they are in criminal court there are penalties and they go to jail, but in Family Court it is expected that people are going to lie. I do not understand this. The Child Support Orders on the Melson page should have additional data. What it should have is that the salary of the person should be on the top—not the monthly salary, because what they are doing is; they are putting the monthly salary and people can't figure it out in their heads quick enough and then they are signing the bottom of the page. My second request would be that they have to initial the bottom of the Melson page, so that people can see what it is. What is happening is that people sign the third page, and you can't see exactly what the formula is, because you don't get to see that page.

The next thing that they need to add .on that form is the fact that they need to account for the parenting time adjustment. If it is 140 days, or 109 days, get it on the form, and get it where it can be seen, and stop us from having to go back to court day after day. Another item is to cut the arrears down from \$4,000 to a percentage of salary. People know that this is a game that the system plays, so they make sure their arrears are under this, they make sure they make a payment once a month, whether it is a dollar or not, so that they can stay out of this.

Next, assign a Contempt Commissioner—that is a Commissioner assigned to hear all of these Contempt cases that you are hearing everybody here today get fired up about. Next, all Visitation orders should be verified as being clear and concise. We get orders now that don't tell you what is going to happen on a day when it is Friday, and there is school, or there is no school, so we got orders that are open.

The next thing, the percentage of children with a parent should remain the same time of what it was during the marriage, and not after the marriage and divorce. All of the sudden the Court takes the child, and if they were 70% with the mother, or 70% with the father, switch them to the other side, and this continues to happen, and I think that this gentleman said the fact right here. There is incontinency in cases—there is incontinency

if you talk between Kent and Sussex County and New Castle County as to what happens. Some people are attributed with income that they have not made and could not make. Some people quit their jobs and are allowed to get away with it, and we have proof of cases that they do that.

Next item, no attorney should ever speak to a Judge without being on the record. When they go in there, and they are cutting these deals, and all of a sudden like in my case, my records were not available to me as to what was said in front of that Judge. But, my attorney told me what was said, but I cannot go back and prove that to the Supreme Court of Delaware. Also, I want to say that transcripts cost too much; there are no checks and balances for Family Court Commissioners, and I agree that there are some good ones out there, but there are some of them out there that are not being consistent. Thank you.”
“Oh, in my last minute, get the attorneys out of the case—a custody hearing should be three parties sitting on that Court—a Judge, a Counselor, and a Custody Evaluator. Attorneys only make an adversarial situation... The child, it does no good for them at all Every dollar paid to an attorney is another dollar out of that child’s pocket. The fact, that in my case, the first say 8-9 years of child support whether they go to a father or a mother goes to an attorney. They will not see any of 8 years of that support, because of those attorney’s fees. In closing my son is a great child. He is smart for his years. But a child should never have to know what a Family Court Judge is and why he has to ask me through his tears why he has to like one place more than another.”

16. Tod Ruckle “I don’t have a prepared speech. My name is Tod Ruckle. I have been in Delaware my whole life, and I am a graduate of the University of Delaware Criminal Justice, minor in Psychology , and I have had 11 years in investigation in bank fraud, white collar crime, and also the unique experience of working for Family Services investigating Child Abuse and Neglect, so I have seen Family Court in many different avenues. Currently, I no longer work for the Department, I am a real estate agent, and I am held to high ethics.

So, low and behold, I get married, and have a child. The baby’s mother works in Family Court as a Supervisor, and is very good friends with the Chief Judge, filed some false allegations saying that my step-son sexually abused my son during my wedding, and I haven’t been able to see my son for 4 months. So, I am at odds end here.

I am going to tell you a little bit about the case and make some points about what could make the Court more efficient. First thing, mailing the letters out of Baltimore is stupid. They should be mailed out of Delaware. I was never even notified—no Affidavit of Mailing to be at a hearing. I have been at many hearings with DFS and always gotten notified. I cannot believe that Delaware wants to save 2¢ and mail it out of Baltimore. I would have been at this hearing and I would have stopped this whole thing, because they would have gotten my background—they would have known my background. This Judge just arbitrarily said ‘Okay, false allegations move to file.’ I almost had my son and my step-daughter taken from me that night. I am going to file charges against the Judge and most likely nothing is going to happen. I have talked to 25 attorneys, and

everyone is scared of this Judge—there is a fear of retribution if they help me file an ethics violation, so I have to do it on my own.

Next, like I said I didn't prepare anything, I just came here to talk. I wanted to talk about namely the ethics of the Judges, and there has to be consistency with the Judges. I have seen it with DFS—one Judge will do one thing—another Judge will do another thing—there has to be some form of consistency. My step-son's father, he basically physically abused my son, my step-son, so he has post traumatic stress disorder, and I am just at a loss right now, because his father—he can't see him, and I can understand why, but he has to pay child support, and he is \$9,000 in arrears. Nothing is happening to him. I go to the Family Court hearings—every Judge is different, and I think the reason it is different is that it is not open to the public. I couldn't get the transcripts. I couldn't get anything, and lo and behold, my son's mother is in charge of that. That's why I couldn't get it. I don't know if that is the facts or not. So, there is some ethical things that are happening in the Courts that I don't think anyone is thinking about. I know that she was probably in charge of getting the letters out. Did she send it to Baltimore on purpose—I don't know, but this is a major problem. This Judge—I had my hearing on Friday, and I have another Judge; I don't know if this one is connected or not. My baby's mother told me that she was good friends with the Judge, and he would take care of anything if I pissed her off, and lo and behold, this Court this file and had it reassigned to her, and she heard the case and bam, I have no parental rights. I made a career out of protecting children. If anything had happened at my house, I would have stopped it—nothing happened, but I can't show that—I didn't have my day in Court, because I was never notified, and they heard it anyway, and this Judge should never have heard the case. It should have been reassigned just like 25 other attorneys have told me.

So, I came here for the Melson formula, because I thought that was what we were here to talk about not these other things. I don't know what the Melson formula is because we had an agreement off-hand. I pay \$650 a month. I don't know if I am paying too much, too less, I don't know, but I go back to when I worked with foster kids, and the State paid \$250 to a foster parent, and that was all that kid was worth to the State. Then I see over here \$1,500, \$800 that a father is paying for one kid. It doesn't make sense. Something has to happen to make it more efficient. I also think there has to be a record of abuse. You here all these false allegations. People always make false sexual allegations as an investigator, we have to go and investigate it, and boom that parent gets that child away. There should be a record kept of every false abuse allegation, and that person has to be prosecuted for malicious prosecution by the State, because I had to do it on my own. I have to hire an attorney, I spent \$10,000 because I had to get two attorneys, one for my step-son and one for me. \$10,000, I can't afford it, but I did it because I want to get my son back. Thank you.”

At this time one of the commissioners, Curtis Bounds, asked Mr. Ruckle a question. Curtis asked, “Sir, are you involved—is this an involvement in your own family with the child, or are you involved with your wife's former family, I am unclear as to the relationship.” Mr. Ruckle said, “No, I got married on September 10 to my wife. She has two kids; I have one son from a previous relationship, and the baby's mother works in

Family Court, and I believe she used her power along with this Judge to do what they did.” Curtis said, “But, what is your case about?” Mr. Ruckle said, “There are allegations that my step-son sexually abused my son up in Pennsylvania on my wedding day in front of all the people in a place that it never happened, so that is what the allegations are.” Curtis replied, “Thank you.”

17. Jennifer August – “I want to thank the Commission for holding the forum this evening. I had read prior to learning about this meeting that for the second year in a row Delaware has won the best legal system in the nation. I am here to make a few recommendations which will hopefully help the children who are involved in Family Court. My experiences have been that what happens in the Family Court level is that often the two spouses will continue the bickering after the marriage has ended, and that the spouses and the system seem to lose sight of the children. Children get lost in the system. I am also here to make some recommendations to hopefully ease the Court’s workload, so that it can operate more efficiently. I realize that in December 2002, the State had passed the *Quality Measures and Quality Assurance System* in Delaware. I think that if the Court adhered to that consistently in terms of processing paperwork there would be fewer duplicate pleadings. I think families would be able to get on with their lives. The children are just wrenched through dinner after dinner, car rides from visitation to visitation not knowing what their lives are. The parents seem to be almost entirely self-absorbed. The children are almost lost in this. I believe the system needs many more Commissioners and Judges, but I really feel that if the Guidelines that were adopted were followed it would really help ease some of the backlog.

I am here, like most people here on my children’s behalf. I am three years and three months into a divorce scenario. My husband is a doctor. In three years and three months, with three girls—three children—I have no child support order. My husband, who is a doctor, pays a total of \$50 total child support for these children. Three years ago, right before 3 and one-half years ago before we separated Governor Minner had a fund-raiser on the street where I live in Rehoboth. I wanted my children to meet her. I had gone to Girl’s State in Ohio, and I wanted them to be involved in the system. They had met her.

My house—my husband has a court order to pay the mortgage on my house. I had been declared dependent on him. At this point in my working, he has not made payment in 17 months. That house where we met Ruth Ann Minner is scheduled for Sheriff’s Sale on Tuesday. There is no consequence to my husband, and the children are completely lost. It has been my experience through very unfavorable proceedings that there has been no consequence for expert witnesses such as pediatricians, or child protective helpers who have said that they realized what has happened. They will testify; they will get there, there is no record of anything in the pediatrician chart and expert witnesses from Child Protective Services can actually get up and perjure themselves. When the wife, or the husband, goes through the chart. That chart is not available—she is treated like she has a horn in the middle of her forehead. When the evidence is shown to be dishonest, that testimony is not required to be corrected.

I would also for legislative level for self-employed spouses who do not accurately state what their income is, I would like to recommend that the checks be written directly to the DSC, not to spouse who can cash them—drop them into a personal account, or a corporate account and cheat their children. On a legislative level, I would like for the Court—for the State to consider upholding default judgment when the spouse has been quoted by a Judge having been extremely resistant to provide complete and accurate discovery which undermines the whole case from being heard on the basis of the merits of the case. It requires the Judge to use completely contradictory discovery, some supplied by the wife, thereby cheating the children. I guess I have a lot more recommendations, if you are open to it after tonight, I can submit those to you. Thank you.”

Jud Bennett asked Mrs. August the following, “Mrs. August, how long has it been since you have had a child—now you have been involved in the Court for what three years?” She replied, “For over three years.” Jud continued, “And how long has it been since you have had a child support declaration by the Judge?” She replied, “I have never had a child support declaration. There has been some remedial financial support orders, like to pay the mortgage, or sanctions for behavior, payable to me, but my husband quit paying the mortgage as soon as that order came and filed a bogus bankruptcy to defy those. I have several emergency motions which are unanswered. I think I have five in since September 20 of '05 and four contempt motions and an unanswered rule to-show-cause.. Someone is helping him to do this to the children and to me, there is no other way to look at this. I have faith in the system. My children are bright, they are fun-loving, and they are remarkable, and this marriage started with a pledge to give these kids the world, expect a lot of them, and have a ball with them, and I am doing that.” Thank you.”

18. Harry Felsburg - “My name is Harry Felsburg. I would like to thank everyone for the opportunity to be here tonight. I have three issues mostly, and it is about the way that Family Court----I would like to say first is wouldn't it be great if we could all get along and not have to have Family Court to start with, but that is not the case. I am looking for equal financial responsibility by both parents. Males are put in jail for back support and non support and women aren't. They even take the male's driver's license away, so you cannot get a job—if you can't get to work—you can't pay the support. The women do not get any of this kind of pressure; none whatsoever. So, my message is that it seems that the Family Court of the State of Delaware is so biased and pro-women. I think they have a responsibility to educate males 8th grade through high school what will happen to them if they should get a girl pregnant. You walk into this blind, and then they find out when they do get into Family Court and you find that you have 18 years to pay, or up to 22 years to pay. There you are. Women where are you—where is your money? It is not coming through. Then to top it all off, some of these girls are on welfare, they expect the male to pay for the welfare, and I think that is a littler bit really over burdening any citizen.. Welfare is supposed to be for all of us citizens if we get that far down, and I don't think that any individual male should have to be responsible and should have to pay for welfare that has been paid to the mother. That is about all that I have to say.”

19. John Sullivan “Madam Chairman and Members of the Committee, I appreciate your having this meeting and giving me this opportunity to speak. Unfortunately, I have become inducted into the Family Court System, not personally inducted, but through someone else. I have never been so dismayed about the legal situation as far as legislation written, the effectiveness of the courts, demands by the attorneys to present documented evidence and support whatever they say in a court of law. I will give you a for instance. A lawyer wrote a letter to the State of Delaware’s Court New Castle County. It’s been stated that the person who has been living and is separated from the respondent wasn’t living in her home and paying the mortgage on it, but the lady was living in her home and paying the mortgage, and the courts went ahead and held a hearing to sell the house, and had this gentlemen moved back in after a PFA who is now paying \$760 a month for support of the two children. The issues are that she had \$500 of education fees and she was paying for a doctorate for him going to a school that he was going through the divorce or separation—she was paying a back bankruptcy for the person who left the house abandoned and the loans. She was paying about \$7,000 in outgoing expenses that this individual created by socially abusing this woman; physically abusing her and the children. These children are under psychiatric care and counseling; yet the individual who did all this to this lady is actually getting away with everything. He works and he makes \$76,000 a year, and he pays \$760 awarded by Kent County Court awarded through a PFA. They wouldn’t allow me to go in and help this young lady, but they did have a young paralegal go in, and they settled out by dropping the PFA for \$760 a month, and they let all of the allowances for the expenses for the home and the expenses for feeding the children just go away. That was wrong.

The Melson Formula in its current form was a monumental accomplishment by Judge Melson, but the thing is that it is not being regulated through the attorneys. They do not follow the evidentiary proof in the courts, and they don’t have to. They can perjure themselves in letters stating when they ask for different things for the court to do—they can misstate information like the wages. They misstate it. They know what the wages are. That in legal they are being paid more money than what he had said, because the idea was in his presence. Also, about the person not paying the mortgage on his house and Family Court ruling on whether he should move back into the house now after he destroyed the home and it is being under repair, so they can at least salvage something out of it.

Now these two children, they gave him a week of custody with the father. These children come home trembling, they are afraid to go back, they use foul language; they use everything—they are right back into the same situation they were in before the PFA was filed, but the Court allows him to have them for a week at a time. It really surprises me, and it is really frightening under those conditions. That is all I have. Thank you.”

20. David Richards “I am here to talk about that I have been in this system since 1995. with a paranoid schizophrenic grandmother outside a public school accused me talking to a schoolteacher—I don’t know which person at this time even after two lawyers, and I don’t have too much money to spend that I touched my daughter inappropriately. This

story was turned over to the Delaware social worker, the biggest bunch of psychopaths and sociopaths that I have met in my life. There are more of them over there in Kent County than there are in our prisons. I have papers here where the social worker says that I have no knowledge of this sexual abuse whatever, and the next day he turns in a two page report to the Delaware State Police that my daughter is mad and sad with her Daddy for touching her or harassing her or whatever. A year or two later I found this in a book called *Dumbing Down Our Kids* by Charles Sykes (sic) that studied *the high school systems and the social systems that are being taught to these social workers*, and it is almost word for word the same thing. So, I questioned this man about it later. I had him subpoenaed to the court and he didn't show, and they had it sequestered. Whatever it is called. As the story later developed, I was investigated by the Delaware police in 1995. I put doctor reports to the police and to the courts. In fact, before the 80's before our legislators changed these laws to give power to the social workers, gave power to the court system, the State Police had the power to look at records and throw something out and say there is nothing here. They can't do that any more. They wanted the Federal money to come into this program which I will explain later. But at that time, the police officer could throw these worthless cases by the wayside. Now the State legislators in the 80's before all this new fangle-dangle legislation came about, they said no agency is allowed to investigate another.. So, in the past the State Police had the power to arrest some of these people to arrest some of these social workers, but they don't no more today, so even though I was investigated by the State Police, I came to admire their jobs and the way it is handled compared to some of these local town police .

But getting back to my story here, I am a little ahead of these people I have been in this since 1995. The argument is with Senator Joe Biden's State Family Act that he wrote in 1997 that gave club funds, Federal funds, to each state o fight abuse cases –child abuse cases and legislation. That empowered these sick social workers—that empowered this laissez-faire court system. The court doesn't go by its own rules; it doesn't go by Federal rules. I have documentation here when I was fighting to get my children back in 2001—they were taken in 1997, and a social worker makes up another story after five months in foster care, of how I am sitting in a court room in Georgetown, and I said, "What are all of these police officers doing—what has the dumb mother done now?" The mother had some problems, always had some problems. I found out later that they were there to testify against me, because my mother, and my sister, and me took the kids one day out of foster care and took them to the beach. They had a new allegation that they developed against me five months later that I touched the daughter inappropriately, took her pants down and told the brothers to join in... Now there was a 12 page police report that I went through the polygraph test and nothing was founded, so they find one statement after another to keep the kids in foster care. Well, they are getting \$1,500 a month for each kid in foster care and \$800 to keep them, and if they keep them long enough they put them up for adoption and then the State will get \$25,000 a piece. This is another unfair event. That has been that way. If that court and the Attorney General's court in this state has always been for sale, and Jane Brady's whole administration has proven that, but the leaders of this state are investigated by the civil courts, not the criminal courts. They don't do that in any other state except Delaware.

Now my beef is today is when he wrote that Safe Family Act he gave these people powers with no restraints. I have documentation here on how these kids were drugged, how they were harassed by these social workers, some of these legislators have seen them. I have sent documents upon documents to Senator Biden 16 months ago, and I have got no reply. I have worked this last year talking to international agencies on how this corruption has started in this State, and he is the legislator that started this mess. There has been a 200 to 300 percent increase in the psychological drugging of children in American since Biden wrote that bill., and I am willing to spend as much of the next year, if he runs for President, as I have spent to defend myself to get my children back, because that man has no place, he has no future in America in politics, and if I can quote a great President of the past—he said that as Adolph Hitler went on the ash pile, he said the world of Communism will fall, the U.S.S.R. will fall, President Reagan if he was here today with the ridiculous statements of Senator Biden and looking at this legislation that he wrote wasted millions and millions of dollars that drugged children needlessly to keep these State agencies going, to keep this laissez-faire court system going, he would have said that Mr. Biden's career should go on the ash pile of history, and if you want to see these documents, they are being sent to these international agencies that agree with me four years after these kids were in foster care two of them became homicidal and suicidal when they were put in the children's hospital in Washington D.C., and they agreed with me that the outcomes of that was what these children were going through at that time and was the results of the drugs that these social workers gave them. These judges are supposed to be watching out-----Senator Sorenson interrupted, and told the speaker his time was up. He continued –Mr. Biden I have talked to his people and they have said that you are a man caught in radar. He is going to be a man with a lot of political coming down on him shortly.”

19. Delema Fay Marsh – She began, “I am Delema Fay Marsh, and I am disabled, and I am going to do my best. Family Court in Georgetown is severely broken. They have no attorney in the research center, and lawyers need a cap put on divorce and settlement like disability lawyers have. I hired an accountant in August of '03 until April of '04. when my Wilmington lawyer wanted to use someone up there. Lawyers talk to a Judge prior to court I found out. I asked a lawyer, and at settlement---this all started when I left my abusive husband November 30, 2002. It only turned up the violence, because of his association with the Rehoboth Beach Police and the Delaware State Police Troop 7. Blue Hen towing tows for both! I have been harassed and arrested by both, and I have been on probation. I have had---when we started I started with Ms. Ying in Dover and I gave her \$2,000. He started with Whaler. I believe if I had not been arrested in March of '03, but because I gave her \$2,000 for the divorce, and I didn't have \$1,700 for criminal charges, then I didn't have a lawyer. Obviously I was late a couple of times missing out, because Theresa Hayden was supposed to be good about against Tom Gay, the attorney from hell. Ms Rodriquez, John Clark from Wilmington. I had motions filed against me on my case by Mr. Gay and Mr. Clark on December 22 before Christmas—Mr. Clark dropping the case, because I would not take the name off the Angola property that has no lien on it. He trashed the Rehoboth property. I have a letter here from the appraiser. It says—Dear Mr. Clark—inspected with photos the residence this morning at Ms. Marsh's request, I have attached a few of the photos to this e-mail, and I have many more which I will send to you if you like. Disgusting and

uninhabitable are the first words that come to mind. Her ex-husband even took the oven which is not personal property. The house smells even worse—you can't imagine. I will not tell you what all was in that house. I fear for my life every day—he has a permit to carry a handgun. He is this tight with two known drug dealers. His appearance is and if the police don't know what his problem is, they should hand their badges in.

After my arrest, it was February of '03 I believe, yes it was February of '03; I was arrested by the Rehoboth Beach Police. He backed up his crashed tow truck and parked it against the back door of the Rehoboth Beach house, and that is why I fear for my life. He had it set up with a neighbor to call him if I showed up. He showed up, and I was taking pictures, and I have a witness, and he cut me off from getting out of there. I took the pictures—even three pictures with him. He was arrested for only starting the assault, and Mr. Gay had the Delaware State Police to testify that I threw a handball at him, and that is what caused it. I am going to skip a lot, but I will say that due to my husband's lies, I have not seen my grandchildren since Thanksgiving 2002. My son, their father, has served in the Air Force and now is in the Air Force Reserve. I never know when we lose someone in our military; I am alone in that way, not like a loving mother and grandmother. There is cash money with the police tows and the private property tows. The things that I picked out from Mr. Clark on Saturday on the impound sheets from Memorial Day until Labor Day of 2001 and 2002 were not there. Thank you. My house has really fallen down hill, and I was already disabled thanks to my ex-husband.”

22.Doug Thompson “Thank you for having me today. I can concur with the gentleman in the back as far as the postal mailing. I have a copy right here to present to the Commission right now. I received a notice that was signed on the 27th of December, but it was postmarked the 29th of December, but it wasn't mailed until the 30th of December. I didn't receive it until the 4th of January this year on something that I had already filed for previously. And to me, this is really ridiculous, because I work for the post office. My background is as follows: I have an undergrad in Pre-law with a minor in Economics and also Human Resource Management. I am also a baseball coach at our nation's oldest historical black college, Lincoln University. It is outdated and with no disrespect to Judge Melson, it should have been buried along with him, because it is based upon accumulative wages—wages which they guess upon of what they think someone is going to make and earn. What I mean by that is that it does not cover someone who is an hourly employee. Also, when the formula was developed as my history goes on it, it was developed primarily for those individuals who were getting divorced in the '70's and '80's. Due to the timeframe and the changes, I understand now that a single household with kids needed funds too as far as—I hate to use this term—as far as the bastard child. What happens now is that families like mine, my wife, my two sons, and I, we are adversely affected, because the gross amount of money is going to this one child. If I can pay say like \$600 or \$800 or the astronomical amount like I have been hearing this evening I should be able to pay for each and everyone of my kids the same amount. It is only common sense.

But, the things I have found with this and with my background in Economics is that computers don't make errors. The errors are being made by the courts and the assistants. In this package right here in which I will present you, you can calculate all the errors that are

being made, and to me it is really ridiculous—it is really ridiculous. And as my wife and I—and my wife is a graduate of Howard University with a Masters also from Wilmington College, so we brainstorm a lot of stuff on this. We don't want to take away from my two sons, and we don't want to take away from my daughter either, but the bottom line is that there should be some kind of even balance for all the kids. One child should not be put up above another financially because the other parent does not make that much money. I don't make that much money, because I am still going to school trying to finish up my Masters. Unfortunately, when you go into court and you try to articulate that to the Judges, they don't want to hear it. It is really unfortunate, but it is a true case.

My problem again with the system itself is that it is outdated, it is incorrect, and it needs to be taxes too. My wife and I are really adversely affected, because we can't claim any of that money as a loss for taxes. If I am liable for paying 50%, 60%, or 70% of the support order, therefore I should be entitled for some sort of tax relief as opposed to the other party. But when you read through those documents in there, you will see the many errors that have been made. I probably have been one of the few people that have fought against the Child Support Enforcement Agency, and I have a \$3,000 credit. After three years when I put in for my vacation, and I finally got them to do their job which they are supposed to do was to modify my order. It took them three years to modify an order. When my oldest son started, he was in high school. By the time that the order was basically done, and I got my hearing; he is a senior now. That is ridiculous. For three years I couldn't afford the minimum basic things for my son, my oldest son. I couldn't think afford for him to go and buy a tux, and this year I cannot afford to buy his class ring, let alone his senior pictures. I am not looking for any sympathy out of you guys, by no stretch of the buried. Something else needs to be developed where it is fair across-the-board, and also for imagination, because my only two decisions to do that my wife and I came up with is either we go to court and get separated. Therefore, I can file for support and get help for what she needs, or terminate my parental rights for my daughter which is what I am going to have to do. Those are the only two logical bearables that are there. Family Court does not do their job and that writing up there is totally inconsistent with the writings as far as the formula. It is wrong; it is a violation. It is a total violation. Thank you.”

23 Sunday Haffen I am a retired school psychologist. When I was employed I encountered many divorced men and women who struggled as parents. I am here on behalf of many, many women and some men who have been wronged by Family Court. I will enumerate some of the injustices and try to attempt to meet conditions promoted by a national agenda to put both court-appointed psychologist who is no advocate for children, but pursue this agenda with vengeance no matter the dire consequences of such an agenda. For instance, the court issues an order, no drinking or adults are to be in the house of the parent who is being visited by the children. It is a given there should be no visits by friends in the home overnight. Is there oversight for this? Maybe a social worker follow-up? No way! Interim orders and final orders are issued and signed by the judge, but the issue of protection in many cases is not included, or if so, not signed. Hence there is no recourse by a frightened parent. Do you wonder why women who have a PFA order are murdered? Frequently when parents have to appear before a Master to have a dispute addressed, they are met with

discourteous and dismissive attitudes. In some instances, the one parent has leave to brow beat the other, with no interference from the Master. All contributing to more distress and no satisfaction at a court hearing.

The interviewing Psychologist ignores instances of abuse, hence the Court doesn't notify DFS about children being abused by parent, such as deliberate burns, forced to ingest hot sauce, window cleaner sprayed in face of the child, inappropriate touches, etc. etc. The court, in conjunction with the psychologist accepts these behaviors as innocuous. DFS does not!!

Visitation changes are made by court, both parents are not advised. Hence misunderstandings and frustration leading to further damage of an already impaired relationship.

When a woman initiates a divorce, she is told at once. "Get a job!" A man in the same circumstance, is not coerced into finding employment, and hence is supported by the wife, although, not handsomely, but sufficient for him to languish at her expense. Is the court amused? Is this more misogyny?

The court relies strongly on recommendations of court appointed psychologist. This person is so gung ho on feathering his cap with restoring children to the responsibilities of both parents, such that the wellbeing of the child/children places said child/children in danger. Any study of counseling and therapeutic relationships maintains that **NCONDITIONAL POSITIVE REGARD is absolutely essential.**

Now how can this take place when the psychologist's presentation to the court is less than honest and result of manipulation of information? And especially if said psychologist, i.e. therapist throws a notebook at a parent. If the children are not in danger when assigned to shared custody, then they are exposed to the dysfunctional parent who is a poor role model. The long-term consequence of such a court order becomes an exponential burden for the court as these children grow up to appear again, as dysfunctional parents and abusive adults who appear before the judge presenting the same problems of abuse they learned from placement with such a parent when they were children.

To add insult to injury said psychologist provides psychological services without acceptance of insurance. The upfront charges are as much as \$2,500 to \$3,500 or \$5,000 for psychological services. Now one parent who received a \$5,000 bill lives in subsidized housing. Can you imagine her despair? Psychological sessions are sometimes 20 minutes, not 45 or 50, but 20 in length and always with frequent telephone interruptions. Can you imagine such disrespect? Psychologists in private practice would not have many clients. Many women are subject to husbands who are misogynists."

Do you get the same feeling here? Furthermore, after these outrageous fees, NO PSYCH REPORT is given to the client.

This was the end of her spoken testimony. Following is the remainder of her written comments.

Men and women who are entering a new life, complete with many personal and financial burdens are not smacked with thousands of dollars to pay someone who should be exclusively on the court payroll, not someone who can pad his bankroll by intimidating helpless women. This person is the advocate the clients hired. He is the advocate for the Family Court agenda to put both parents in the lives of the child and an unquestioning judge regardless of the dire consequences.

As I spoke to some of these victims and invited them to join me here, they were horrified. No **unconditional positive regard felt here.** They felt there would be retribution from the psychologist and hence the court. They are vulnerable people who have been mistreated by the very system put in place to help them. They grieve for their children.”

24. Sandy Ward - “My name is Sandy Ward. I would just like to ask a couple quick things. One is would you please review the way the PFA system is? It is being abused by parents, manipulative parents, who are using it making false allegations and are very quickly given PFA’s. that would benefit them in upcoming custody and visitation. Secondly, with the way the formula is it was my decision after 23 years to end my marriage for what I still consider as very good reasons. I made the decision to move out of the marital home. I thought at the time it was in the best interest of my girls—they were going through enough—not to yank them out of their home, the only home they had ever known, never imagining that 18 months later I would still be waiting for my custody hearing which is now scheduled for the third week in January, only to find out earlier this week that the Judge has recused himself. It will now be assigned to another Judge, and when I called Family Court, they could give me no clue how many months it would take for it to be scheduled. When I left my girls were 13 and 15 years old. My daughter will be 18 this coming October. What good is custody hearing now? Does this make sense to you? With the way child support was figured, I am for child support. I worked the last 13 years of our marriage only part-time because we had agreed that I would be the primary caretaker of the children. When I left my husband filed for child support, the judge agreed with him that I was underemployed. I was making about \$20,000 working part-time for the State. My child support was then based on \$28,000 a year. It became very clear quite quickly that I could not pay my support and support myself. I sought part time or other full-time employment. I found a job with the State of Delaware an hour and fifteen minutes from where I live, and I took it, and immediately my ex-husband went and applied for additional child support based on my new full-time income. The amount of money he receives from me now is more than what I brought into the house when I lived there. I agree that my children’s standard of living should not change simply because we are divorced, but the only person whose standard of living changes in the divorce is the non-custodial parent. While he buys them cars, while he goes on vacation, he takes them on a cruise this Easter, and violates every single part of our temporary custody agreement I am barely struggling to hang on. I have teenagers, and teenagers are selfish. What place do you think teenagers want to be right now—with the parent whose getting all the money, or the parent who can buy them things and take them places—or with the parent is about to lose another home? Please consider some of these things. I find myself in a position that many fathers have found themselves in for years. I ask you to look at it from my standpoint. If you are

truly here for what in the best interest of my children and what they have been faced with in the last 18 months not knowing what is going to happen and certainly not what is in their best interest, nor is it to live without both parents. Thank you.”

25. Patricia Roberts – ‘My name is Patricia.. There are a couple things that I would like to point out real quick. In dealing with Family Court issues, first let me address the issue of security. The following has occurred during two separate visits to the court. On October 31st, two men approached a young lady and myself as we waited at the elevators. They danced around the young lady, spoke abusively to both of us and once on the elevators made abusive physical jesters. Also, once in the elevators you could tell from the odor alcohol was involved. The young lady commented for them to stay away from her purse. We both left feeling frightened.

On January 10th, as the elevator doors opened, a man was urinating in the elevator. The urine ran out into the hallway floor. I asked the lady at the desk to please contact a custodian for a clean-up. One and half hours later, it was still evident that a clean-up had not taken place in the elevator. Security was not available in either of those situations.

Addressing Family Court issues directly, the system fails because the truth is not allowed to be told. Questions are asked without allowing all the information to be presented, only determination without knowing the whole truth? bits and pieces. Judges refuse to hear all the information. How can a judge make a

The Court system has a history of postponing and re-scheduling issues, or bouncing cases back and forth between Family Curt and criminal court so much so the prosecutors a year or two down the road dismiss the situation without even hearing it. Again leaving the victim, victimized.

Victim’s advocate office leaves something to be desired as well. Yes, you are given their information from the police when a situation occurs, however, their manner imposes the victim to be unwanting of their services, in that they make it so difficult for the victim to take advantage of their services, or the voice on the other end of the phone causes a victim to feel as though they are undeserving of help. The victim advocate services need to be clearly defined and truly available to the victims who need the assistances and services supposedly offered.

Child support continues to be left unresolved. With technology as available as it is today, there should be a data base whereas the court is able to correspond with the child support debtors with those visiting the court on any given day and resolve the issue while the child support debtor is within the constraints of the court building.

DFS needs to learn to listen to the child and observe the child. While one DFS employee may state “document, document, document, take pictures, contact A.I. Hospital or us”.....another may threaten taking the child away from the parent if another incident is reported, because they feel it is unfounded, or the action taken has not been in malice. Often times, children are shut down or silenced because DFS makes a snap decision, turns a deaf ear, or a blind eye, sometimes telling the child they cannot speak to them, and tell the situation to them because DFS wants to set up an

interview with A.I. Hospital's Child Advocacy. By the time the appointment is set the child decides not to speak, so they have been left with the thought they are not allowed to discuss the situation with the system that is supposed to be in place to protect them. When that happens children are left to defend for themselves in emotional, physical or sexual abusive situations setting the child in a spiral downward as opposed to growing in a positive manner. Consequently, these children are left emotionally victimized, thus preventing them from developing into productive members of society, and in some cases it has been known to lead to serious injuries or death for these children.

As with DFS court appointed psychologists also need to be reviewed. When a court appointed psychologist becomes involved with the family often times they are more concerned with providing the court system with what they want—which is keeping children interactive with both parents regardless of the situation—as opposed to taking into consideration the safety and emotional well-being of the child. Non-reporting to child services of actions a child may show or confide to the psychologist takes place. In reviewing various situations with parents of similar circumstances, it is consistently reported that a psychologist will say one thing to one parent, another to the other parent, and yet when interviewed during a court hearing may state something completely different. In addition, written information or reports may be given to one parent and then denied to another when concerning the child, regardless of whether or not the information pertains to changes in visitation orders, evaluations, etc. Reports may also be given to the lawyers for dissemination to the client *AFTER* the actual event is to take place.

Furthermore, the court appointed psychologist may in reality have a second psychologist complete the testing and evaluation and submit the findings under the guise of the court appointed psychologist's signature, instead of the findings being submitted under the name of the psychologist who did the actual testing. There is need for financial review of the court appointed psychologist. The fees should be consistent and audited; receipts and statements need to be provided. If a psychologist is court-ordered to review a family case, I question if the psychologist is also provided a gratuity by the court. There is much more of the psychologists, but I need to make a comment—you need to get help for the Child Advocate assistance, the office of the Child Advocate. You need to be able to make more funds available so they can hire more lawyers for the children... They have cases that fit the criteria, but they don't have enough lawyers, and that is foremost the most important thing that the Family Court needs to look at.

Please listen to the last words of our nation's Pledge of Allegiance. It states "liberty and justice for all." Children are deserving of that justice. They are deserving of the freedom from abuse. Children are the foundation of our future as Americans, the future of our great nation. Practice the legal knowledge you may have and create a system with procedures in place that will actively protect the child. Thank you."

Senator Sorenson thanked everyone for coming this evening. Representative Valihura and Curtis Bounds asked Patricia specific questions about her experience in NCC Court House. She expressly told them this happened in the new Court House and outside of Family Court and that there was no security to be found.

Jud Bennett, one of the Commissioners asked to make a statement. He said, "I have been on this Commission for a year and the one thing that jumps off the page to me that I think is absolutely not acceptable is the lack of resolution in these cases. These Judges are appointed by the Governor, approved by the legislature, and they are elevated to a high level. They have the public trust. It is just wrong for a Judge to let a case go beyond 90 days—120 days. I am hearing horror stories—six months—one year—two years—three years—four years. A lot of this is coming out of Sussex County. I know one Judge in particular who is so far behind; he is seven or eight months behind. Why is this allowed to happen? This Commission needs to push this issue."

Senator Sorenson agreed and said that this was the kind of thing the Commission was interested in, and when we review the transcript a number of people spoke tonight to the length of time it takes to get child support orders, and that is something that we can take a look at, because there are some patterns here.

The meeting was adjourned at approximately at 9:30 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jean C. Ardis".

Jean C. Ardis, Secretary
Family Law Commission