

AMENDED COPY
FAMILY LAW COMMISSION
ANNUAL PUBLIC HEARING
JANUARY 15, 2008

The Annual Public Hearing of the Family Law Commission was held on Tuesday evening January 15, 2008, from 7:00 – 9:00 p.m. Senator Sorenson opened the meeting by thanking everyone for coming out this evening. She then mentioned that the Family Law Commission’s Public Hearing had always been held on a Wednesday evening, but at the request of several non-custodial parents who had their visitation with their children on Wednesday nights; it was decided to have the meeting on Tuesday evening.

Before beginning the meeting Senator Sorenson stated that she wanted to take this opportunity to give everyone a little background on the Family Law Commission. It was created in 1984 with the purpose was to improve the integrity of the law in Family Court. She said that sometimes there is confusion on what the Family Law Commission does, and doesn’t do, and she wanted to discuss that. She announced that there were handouts in the back of the room for everyone regarding the information she was about to give. Senator Sorenson said that what they can do is study and evaluate domestic relations laws in the State of Delaware, study and evaluate the rules and procedures of Family Court, review existing and/or suggest new legislation relating to domestic relations in Family Court rules, disseminate information about Family Law in the State of Delaware, and other information relating to Family Law; they can conduct public hearings, invite written comments, review

and comment on legislation affecting Family Law. She continued that what they cannot do is engage in the practice of law even though we have a Judge and several attorneys on the Commission. We cannot get involved in your individual case. You may want to tell us the circumstances of your case to illustrate the problem that you see in the Family Court rules and procedures and regulations and how there needs to be a change, but we cannot come in and intervene in your case. We cannot give legal advice of any kind – we cannot intervene directly or indirectly in any case pending before the court, so if you have an attorney and you have a case pending before the court, the Commission cannot interfere with that.” She informed everyone that this is a non-partisan body, and the members are appointed either by the President Pro-Tem or the Speaker of the House. We have two members from the House of Representatives, two members of the State Senate, citizens - two from each County, two Domestic Relations attorneys, one Family Court Judge, a child psychologist, a pediatrician, and a family doctor. She noted that her contact information is also on the handouts. Senator Sorenson continued by giving a little history of the Commission. The Commission has dealt with many issues including sexual offenses against children, rights of grandparents, family violence, divorce laws, open adoptions, child custody and visitation, financial responsibility of divorced parents, and comparing laws of Delaware with other states. These are things that the Commission is charged with. She stated that the Annual Hearing is very helpful to the members of the Commission. Last year we took the issues that were raised at the Public Hearing and those were the issues that we worked on during the year. We had speakers at almost every meeting – we had the Chief Judge as a speaker. One issue that was raised by several people at the Hearings and this was a request for Family Court to be open for an evening. This was something that the

Commission had asked for several years. The Chief Judge stated that this was a question of funding and for security, and their need for a new Courthouse. Senator Sorenson said that this was something they would continue to address and thought that this was something that would happen in the near future. She continued by saying that for several years people had requested that they wanted c.d. recordings of the transcript of their proceedings in Family Court and that has finally has been accomplished, so if you go on the Family Law Commission's website you will see the information about that and a link to the information to Family Court.

At this time Senator Sorenson asked the members of the Family Law Commission that are here to introduce themselves – not everyone is here, but most of them are – James Morning from Kent County; Harriet Ainbinder, psychologist from New Castle County; Representative Terry Schooley the Representative from the Newark area; Allene Poore from Kent County; Curtis Bounds, attorney in New Castle County; Lynn Kokjohn from Sussex County, Liane Sorenson from the State Senate and Chair of the Family Law Commission; Dana Harrington Conner, Law Professor in New Castle County.

Senator Sorenson began by saying the speakers at this hearing would have 5 minutes to speak. She then introduced Drew Slater our assistant to the Family Law Commission and stated that he would be our timekeeper for the evening. She again stated that each person would have 5 minutes to speak and said they were welcome to leave their written comments with us and it would be entered into the record. There is someone recording the testimony, and she said that everything would be transcribed. She announced that the

Commission goes back to the meeting in the spring with the full transcript of tonight's proceedings and they go over the key issues. She stated that they look over the key issues and they go over the issues that keep coming up over and over again, or ones that we haven't dealt with in the past, so that is why your testimony is very helpful.

She then called upon the first speaker – **Cynthia Smith.**

1. Cynthia Smith “Good Evening members of the Family Law Commission, Parents and Fellow advocates. I would like to first introduce myself; my name is Cynthia Smith, mother of three young girls. I come before you to testify about my experiences in Family Court. I believe this is my 3rd or 4th time I spoke at this hearing. For the past 3 years, I have not lived with my children. My attempt to communicate was blocked by their abusive father. Looking back on how my abusive husband managed to get away with all of this, **I found myself collaborating with the same agency that is supposed to assist Family Court in determining decision in court. To my surprise and disappointing truth, the same people were the ones re-victimizing me in court.**

What I am about to share with you has merit and facts that are provided to better understand how broken system is and it needs to be addressed. On January 2005, my ex-husband made a **false allegation of child abuse in DFS.** According to People's Place counselor that I was seeing, when someone makes a complaint in DFS you are red- flagged for 90 days while it is under investigation in the entire state of Delaware including Delaware State Police. When I mentioned the opposing counsel's name, my Counselor told

me that the opposing lawyer is well known in Kent County – right or wrong she never loses in Court.

After I completed my training with DFS and another agency in System of Care on September 8, 2005, I was asked to attend and represent DE Federation of Families for Children's Mental Health (Board of Director) in Delaware System of Care Conference. *The Role of the Judiciary and Legal System*. Part of the Agenda was to meet and discuss how System of Care would benefit the Judiciary and Legal System. It consisted of Judges, State agencies and Family advocates. Our group agreed to meet at judge's staff meeting and was scheduled on November 2005. I called my lawyer if there was any conflict of interest, and my lawyer mentioned to me that there is no conflict. I called Judge Rideout of VA, if I can visit him to see how Virginia legal community about how VA legal community is adopting SOC vision and informed him that our group will be meeting in November. I also called PA Family Court to collaborate on bringing some juvenile programs that they have in place. I planned to report to our group about my collaboration with Judge Rideout and PA Family Court, but I wanted to see how the Judges' staff meetings were being presided before making a report. To my surprise, my ex-husband's lawyer was handing out the agenda and was talking to two of the supervisors of DFS. It appeared that they were talking about me, and as I walked in the conference room, I was approached by both supervisors whom I took seminar with in SOC. They asked me if I was supposed to be at the meeting and if I was invited. My Ex-husband's Lawyer, I found out later, that she represents DFS as a Parent Lawyer. She requested to have me removed at the meeting, and I was escorted out by Judge Nicklaus. In my opinion, this lawyer not only had shared

information about my case – which is a violation of confidentiality – and she had conflict of interest herself.

Attending Conference in Domestic Violence Seminar is a big surprise to me as well. I realized that the same people that supposed to be collaborating in Court was present and used my testimony against me as well by sending a letter to the court that I was asking negative remarks in Domestic Violence Community. I made arrangements to meet with the director of the Peoples Place II, and she mentioned she heard from someone that I made a negative remarks. I requested proof, but they failed to provide any. They retaliated by blocking access to visit my children in the only visitation Center that we have in Delaware. My counselor was the one who advised me to request the court for Visitation, so the meeting is videotaped and would be able to monitor my interaction with my children.

Attending Battered Women's group was another road block, The Facilitator requested that we share the hardship that we experienced in Family Court and to my surprise I was told by my facilitator that she knew the judge very well and is a friend of hers. For the past 8 years I had been very active in my children's education and my ex-husband block me from seeing my children in school by providing a document of Ex-parte' knowing that Motion was denied. My daughter's principal had asked me not be in the Family Fun Night for which I was one of the organizers. I had to go back home and provide a copy of the motion that it was denied and was late for an hour. Dealing with mental health professionals, I find it hard to believe that re-victimizing occurred in this area as well. While I was still living in the same house with my children and spouse. The Court preferred provider facilitator for divorcing parent class was the same facilitator who

was seeing my children, the facilitator made a false *statement in Ex parte*” - Since her time was up Senator Sorenson asked if she wanted to make any statement in summary, and she replied that she only wanted to thank everyone for taking the time to listen to her.

This is the conclusion of her comments that she submitted - motion that ‘Visiting Mom may cause harm to the children’ – even though she called our house to confirm an appointment with my ex. When she learned that I was his Wife she hanged up the phone, and I re-dialed to where the call was coming from. She was not calling from the office; she was calling from her own house. I did not know who she was. I thought she was one of my ex-husband’s other women. The therapist knew my husband and I were still living together when she made the false allegation. The **Psychological evaluator was another road block.** **When I requested one, the opposing Counsel requested that I not choose my own evaluator.** Instead she provided us with **her list of psychological evaluators. To my surprise, the evaluator had been doing evaluation for the opposing counsel for that law firm. She answered the questionnaire for me after she called me that I failed my psychological evaluation.** Since the Custody was given to my abusive husband, he continuously undermined my involvement in my children's school which I represent in DOE as a Parent Advisory Council. I was no longer representing my school district and was replaced by a parent who hardly shows up at the meeting and works for DOE as well.

In determining custody and other matters in my divorce these are some of the most disturbing concerns I have. As a stay-at-home Mom and was married for 20 years, I did not get any alimony. I believe I am the only Asian Mother in Delaware who was not awarded the Rational

given when both parties do not have any money, but the **stay-at-home mom must pay child support**. Perjury was not considered in the decision despite numerous motion filed in contempt.

Child abuse allegation was unfounded, but never sanctions to the petitioner. The court had failed to even address the child abuse allegation in ex parte'. The children were never asked. Division of marital asset to this date have not been divided, I believe that I am the only Asian Mother who was treated this way. Numerous Motion of Failure to Comply were never sanctioned by the court. Disclosure of Dissipation of Marital Assets Motions was never sanctioned Request of Documents was incomplete and failure to comply motions was ignored.

Call to Action - The need for adequate training is evident. The training must include education on the developmental stages of children, information on litigation, abuse, and post separation violence. It will give judges grounding the community they serve.

Procedures - Court must make detailed findings of fact when custody is contested. Court must be required to make a written conclusion of the law including standard of proof applied in the case, so that the facts they relied on are known and their reasoning is clear. In Custody evaluation any order of payment must be paid into a blind trust fund, so that no one is aware who had paid the funds. This will eliminate harassment of the less wealthy parent and discrimination against them based on socioeconomic status

Legal representation- In order to allow the financially less well off parent to litigate the case judges should make early division of marital liquid assets and orders of attorney's fees. Without the funds for an attorney, the less well off parent is severely impacted in attempts to litigate.

Hearing/trial priority-Custody cases should be given adequate time to be heard and equal time to both sides. Priority must be given to contested child custody matters allowing the hearings to proceed straight through from start to finish. Litigants who abuse the court process should be sanctioned and not allowed to repeatedly file frivolous cases in an attempt to bankrupt the other parent.

Child support – must be ordered according to the guidelines after verification of income, to avoid plunging the poorer party into poverty. It is not acceptable to give the custody to the richer party simply to avoid having the other party need public assistance. That is not the best interest standard and should be stopped.

Gender Bias Study-the chief justice of the Supreme Court should order a full scale gender bias study in the court. There have been 32 states that have done gender bias studies and all found bias against women. We cannot claim justice if half of the population is discriminated against in our court.

Statistics – Better statistics must be kept. The court should keep statistic to know the number of contested and uncontested divorce annually. These statistics should be made public by a judge and on a quarterly basis.

Grievance Procedure-The Commission on Judicial Conduct must reform their process. When a complaint is filed against a judge, the judge should be removed from the case and a panel including consumers should evaluate the complaint. When a judge has been shown to ignore or violate the law discipline must be administered and on the second time, the judge should be removed from the bench. The State should modify its ethics opinion, Judges should sit in domestic violence councils and committees Judges should be involve in the community. It will help them in understanding the dimensions, dynamics and impact of domestic violence not only in the lives of litigants but in the society as well.

Public Commitment to Reform - We asked the Chief justice of the Court to release a public statement acknowledging that the problems still exist through out the family court system in the handling of custody cases and expressing the commitment of the court to rectify the situation through serious and wide-ranging reforms.

In closing, I would like to request the Commission to provide us with information Under FOIA.

Demographics of Custody Awards by Children's Gender.

Custody awards - Difference between Counties (Distribution of Custody Cases by Parent and County.

Statistics of Custody award given between nationality and gender.

If there is a sufficient evidence of disturbing data to prove my point, I request the commission to recommend a full scale gender bias study. Thank you.”

Senator Sorenson then called upon our next speaker – **Ralph Schivano**.

2. Ralph Schivano – “I would like to begin by saying thank you for your time in reading this. I present this to you with the utmost level of sincerity and integrity, and my sole purpose for this is to close a loop hole in the Family Court Statutes that I have recently been a victim to.

It is not my intentions to speak badly of the court system, any trial Judge, or any other person, attorney or otherwise. In the following letter, I do not wish to name any person directly when referencing my personal experience or situation.

The following letter and personal experiences which was born out of my recent experience with the Family Court System, specifically child custody proceedings, is directly related to *relocating a child*. This situation has become more prevalent in today's society and efforts are being made to deal with this situation appropriately. From individual state's enactment of legislation to the Model Relocation Act, this situation is being addressed. It is Delaware laws and lack of legislation that is my concern and reason for bringing my personal experience to this entity for evaluation.

Currently, Delaware has no legislation on record to direct and assist trial Judges with a uniform way of dealing with this issue. The only statute on record is that of Chapter 7 section 721(d)

Upon the filing of a petition for custody or visitation, a preliminary injunction shall be issued against both parties to the action, enjoining them from removing any natural or adopted child of the parties then residing in Delaware from the jurisdiction of this Court without the prior written consent of the parties or the permission of the Court. The preliminary injunction shall be effective against the petitioner upon the filing of the petition for custody or visitation and upon the respondent upon service of a copy of the petition.

It is this statute that was directly, deliberately, intentionally, and manipulatively exploited in my case in which my daughter and I was a victim. Upon my research in preparation for this hearing, I came across legislation that was attempted to be introduced into Delaware legislation in the form of H.B. 98 from the 143^d General Assembly. This, unfortunately, did not pass legislation. It is these two things that I wish to address and after reading the circumstances of my situation, I think you'll agree, that 1) there was obvious and intentional manipulation and exploitation of the current statutes and lack of, and 2) had HB 98 passed, my situation would have been more uniformly, fairly, and most definitely, handled with the best interest of a child as priority.

Facts. – My ex-wife and I met in November 2002 in which I resided in Wilmington, Delaware where I worked for over 2 years as a police officer and owned my home. My ex-wife resided in Gaithersburg, Maryland area (approximately 2 hours 15 minutes away)

where she worked for the federal government as a secretary. My ex-wife and I discussed our relationship and the distance, and at one point, she broke off the relationship because she did not want to relocate to DE and I could not relocate to her area. She then advised me that she would locate to DE to be with me and we then got engaged. At the end of December 2002, we found out she was pregnant. We were married March 2003 and in June 2003, she relocated to DE. On August 30, 2003, we had a beautiful baby girl.

Our marriage began to have problems in April of 2004. We had an argument (*There is absolutely no history or complaints of any domestic violence*) in which she said she was going to visit with her mother in Maryland for a couple of days to get her head together. The couple of days went by and she never returned, however, we were in constant communication about our marriage and trying to work it out. It was approximately 3 weeks later that she said she did not want to work out the marriage. It was at this time, I advised her that our daughter would need to be returned to DE as I am not in agreement of our daughter relocating. She never returned our daughter and we both obtained legal counsel.

Our separation began in April 2004 when my daughter was 8 months old. During this separation, she was advised several times by my attorney that she was in violation of the temporary injunction prohibiting the removal of my daughter from the state. She was advised several times about the injunction that is also listed on the civil summons when we filed for custody. Her defense was that she had already moved before any paperwork was filed so she is not technically in violation and there is no statute governing her departure so

she is free to move as she wishes. I consulted with several attorneys who all agreed that my ex-wife's actions did not violate any statute or law. It was during this separation that I realized my daughter and I are now victims of the lack of legislation regarding this issue. Basically, I was told there is nothing I can do regarding the relocation and that I would have to wait for the custody hearing and hope that I get residential custody to have her returned.

*It is important for the reader to know, that I believe my ex wife did not know of the statute when she left and her position regarding the fact that the move occurred before any paperwork was filed giving her immunity from violating the statute, was nothing more than a crafty attorney exploiting the legality and loop hole of that statute. **BUT, it was this separation and defense, that made her FULLY AWARE of the injunction and relocation laws (this is important to remember as the reader continues on with this letter)***

This separation lasted from April 2004 until November 2004 at which time, we reconciled our marriage and she returned to Delaware. Upon her return, we discussed our marriage and that if it did not work out; I was opposed to our daughter leaving. We discussed this in great length over the next several months.

In March of 2005, we both realized that our marriage was not going to work out and both agreed that divorce was the best option. Our marriage ended very peacefully and she remained living in the home. In fact, things were so good; we would question ourselves if divorce was the best option, but ultimately knew it was. In June 2005, my wife wanted to

go away for the weekend with our daughter, but I advised that it was Father's Day weekend and wanted our daughter to be home with me - she then stated that she was going to go for the weekend by herself, but how could I watch our daughter since I was working! I advised her that I had already made plans for a nanny for our daughter because of the impending divorce and that I was going to file the papers in a couple of days. She said ok. This conversation took place on Sunday evening, June 12, 2005.

June 13, 2005 started off like any other day. I woke up, had breakfast with my daughter, went out in the back yard and played with her, and then at noon, put her down for a nap. At 3pm, my daughter woke up and my ex-wife stated that she was going to take our daughter and get something to eat. I said ok, call me when you get home since I would be at work (I was working the 4pm — 2am shift). I did not hear from her all afternoon. I repeatedly tried to call as I always did, but did not get any answer. At 7pm, my neighbor, who works with me, started her shift and asked me if my ex-wife was moving. I said not that I know of, why? She then advised me that when she was leaving to come to work, she advised that she saw my ex-wife loading up her van with her and my daughter's belongings. I immediately ran home and she was gone. My ex-wife packed up all my daughters' toys, clothes, and personal items including my daughter's birth records, social security information, and our tax records. I tried calling her on her cell phone and did not get any answer. At this point, I was a wreck! I knew she took off with my daughter, but had no idea where she was going as her mother had moved to somewhere in VA, but I did not know where. After 8pm, she finally called back. She stated "I spoke with my attorney, and he advised that I can move to VA with our daughter

and unless you give me something in writing acknowledging that, you're not to see her." She withheld my daughter for the next three weeks. I couldn't see my daughter.

The very next morning, I petitioned the court for an emergency ex-parte order and the court denied the motion, because they said that my daughter was not in any immediate physical danger they were not going to have the hearing, but they did grant me a visitation hearing. It took 30 days for that hearing to come through. My concern is if anybody has not figured it out yet, she knew that once I filed the paperwork that an injunction was going to be in place, and she would not be able to leave without petitioning the court. When she left she had no job, no health benefits, no source of income, no appropriate place to live as she was living in a one bedroom apt. with her mother, her brother, and her father, so had she petitioned the court, there is no way that the court would have allowed a move like that to happen. She took off like she did to beat that injunction. I got no assistance from the court and to throw salt on the injury at our first custody hearing when that was mentioned one of her witnesses tried to portray me as insensitive, because she wanted to take a trip to Oklahoma. I knew she wanted to relocate to Oklahoma again, and I said okay, but I required proof – just give me proof. The Judge interrupted the witness – yelling at the witness and saying - “you understand how this woman left and took this man’s child illegally?” The attorney stood up and said “Your honor that is not true. There was nothing illegal because there was no injunction in place yet.” Then the attorney turned around and said “she violated this in spirit, and then mentioned three open statuettes about fathers’ rights and her rights as a parent that she violated in spirit.” Then she turned around and

said, “I am not going to place sanctions on this – I am not giving that much weight, nor am I returning the child to Delaware.

My concern is Delaware needs to have legislation regarding relocation. As it stands right now, any attorney who has a person approach them who says that I want to relocate – **any attorney right now based on my case can turn around and tell this person that you need to leave before you file a paper and then file the paperwork.** I already know of one case that this has happened. A neighbor of mine thought she could not leave the state, and when another neighbor told her about my case of what my ex-wife did – the first thing she did was to go and talk to an attorney, and the attorney agreed and said that there is nothing legally to stop you from moving if there is no custody filed – she took off to Florida! They couldn’t get her back. There is nothing in place.

I understand that the 143rd General Assembly H.B. 98 – and I found that Senator Sorenson was a co-sponsor – when I found that I actually got excited, I actually thought I had found a legal way to have my daughter returned, but to my dismay, I then found out it did not pass! Had that passed. if that bill passed, I would have had the legal remedy to have my daughter returned – there would have been guidelines in place for the Family Court Judges to go by – to judge these cases on; more than just on the judge’s digression. It is not fair to parents that they have to worry about a parent up and leaving. I am not saying that all attorneys are doing this. I know there are attorneys that recommend that, and I know there are other attorneys that once their clients do it are going to use that as a defense – it is a perfectly legal defense. I have had 15 attorneys that I interviewed tell me – *your ex-wife*

was smart – she beat the system. There is no room in the Family Court system for loopholes, or legalities, for somebody to take advantage of – not when the benefits and the best interest of a 1 ½ year old girl from a loving caring parent. I am neither an opponent nor a proponent of moves, but I believe they all have to be judged. There needs to be guidelines in place – there has to be! Thank you.”

Senator Sorenson then called upon **Lori Davis**.

Lori Davis – “Unfortunately, I just learned about this today. I would like to just start off by saying that I have not seen my two daughters for a year and one-half, and I’m afraid I am going to get real emotional. My ex-husband is manipulative. He took my girls on his week and would not give them back. He lives in Maryland. I tried to get them. He brought all his neighbors outside including his family and in-laws, and the officers told me that I was correct – it was my week and I was allowed to go up and get my children. I tried to do so and when I did that my youngest daughter punched me and told me she hated me. At that time she was only nine years old. I am sorry she was only eight. My oldest was nine. I am real upset. He has said that I am crazy and everything. **I have had two psychological evaluations and according to Dr. Simon Romirowsky I am fine. Both psychological evaluations say that I am no harm neither to myself or my children. The judge for some reason will not let me have supervised visitation.** Also, my mother has not seen my daughters in the year and one-half. He has totally alienated my whole family from my children. My one concern that I have is the symptoms of parental alienation. I don’t understand why the courts don’t recognize this. I have tried to prove over and over again

that my children are being alienated from me and my side of the family. The judge will not listen. I had an affidavit hearing that I would like to read because that is the only thing I could really get together. In 2006, Judge Buckworth ordered that a custodial evaluation be performed in the matter of Davis vs. Belfiore pertaining to their two minor children, Brianna and Kayli. The court also ordered that the children's therapist, Michelle Ropeter had the authority to determine the circumstances under which the children would be permitted to have contact with their mother, Lori Davis. Read from Dr. Romirowsky's affidavit - 'Since I began my evaluation October 2006, I had multiple opportunities to get information from Michele Ropeter with regard to the children's emotional readiness to resume contact with their mother who has been disrupted for more than a year. It would appear that it is not in Mrs. Ropeter's agenda to promote a relationship or even facilitate reconciliation between the children and their mother – saying repeatedly this is not what the children want! As the court knows well – what the children say they want – it is not ultimately in their best interest.

Over the past 15 months, Michele Ropeter has refused to permit me to complete my evaluation by agreeing to create an opportunity for me to observe the children with their mother in my office. She has, in fact, contaminated the evaluation process by showing up unannounced at the Belfiore residence at the time designated for me to visit with children and their father at the father's residence (what possible justification is there for a children's therapist to inject herself in that piece of the evaluation?). More recently in December 2007, I again requested permission from Mrs. Ropeter to have the opportunity to observe the children with their mother in my office. In her e-mail dated to me dated December 13,

2007, she writes that the meeting will take place in my office with my presence. In the e-mail dated December 14, 2007, she wrote to Ms. Davis that even though you are their birth mother does not mean that you have a right to be in their lives. It is this very attitude that I believe has impeded any therapeutic process for any reconciliation between the children and their mother, and it is my opinion that the therapist should be replaced with one better suited to appreciate what is possible by way of reconciliation. With regards with my evaluation meeting with the children and their mother with the therapist present is on no value. I believe to a reasonable degree of psychological certainty the meeting I am proposing will not be harmful to the children in any way, although I acknowledge that it might be awkward at this moment based on Michele Repeater's attitude and authority I remain unable to complete my evaluation.' – signed Samuel Romirowsky. I hired Dr. Romirowsky because I thought it would be the best thing, and the court won't let him finish his evaluation, and I am not trying to put down Michele Ropeter's profession, but she is only a licensed Clinical Social Worker, and if I have Dr. Romirowsky saying that he feels as though it is not going to harm the children for me to sit in front of people and see them. I don't understand why I have not been unable to see my kids! My ex-husband – I asked for pictures – I haven't even seen a picture of my kids for the past year and one-half. He sent me his wedding pictures of him, his new wife, and my children. Thank you.”

Senator Sorenson then called upon **Angela M. Illiano**.

4. Angela M. Illiano - “She asked at this time to have a friend, Randall Hedrick make her comments for her, since she did not feel she could speak to the group. Mr. Hedrick began –

“Thanks very much for having us this evening. Some of these things that I am going to talk about tonight for Mrs. Illiano, and they upset her, so as her friend I am going to speak for us; but she is here. This is her case – not mine. Her name is Illiano”. He began to read her comments” Dear members of the committee: In April of 2004 my husband of 21 years stated he was unhappy in our marriage. After a discussion we decided to give it another try though the summer of 2004. While I thought that things were going well, he was having an affair and got another woman pregnant. I did not find this out until November of 2004. At that time both parties denied it was his child. Isabella was born January 23, 2005. My husband stated he wanted to stay with his family. I told him as long as he did not see Isabella’s mother, I was fine with this, and I was agreeable to have Isabella come to our home for visitation. Three months later, I was diagnosed with fast-moving stage 3 breast cancer. My ex-husband continued to see this woman and even got her pregnant a second time. This put a terrible strain on me – going through this infidelity, but also stressed our 13 year-old daughter and 17 year-old son. After 18 months of no changes on his part, we were divorced June 2, 2006 after 23 years of marriage.

My ex and I wrote our own divorce. Two days after he received it, he physically abused me twice and was arrested. I had a PFA order placed on him, which he broke several times. He was incarcerated once, and now has a criminal record, and was on stage 3 probation and had to attend counseling. In the divorce, he agreed to pay nominal child support for our son and then his college tuition. (\$7,000) Our son also had scholarships. Our son had to drop out, because his father did not pay, (and I will add that he failed to pay so long that the son is now an adult – he outgrew the child support.) For our daughter he

was to pay \$200 month and \$700 in alimony. While we were writing the divorce, he stated he would prefer me to take less in child support and more in Alimony. Finally, he agreed to obtain a Life Insurance Policy in his name for \$250,000 with me as beneficiary, in the event of his death, so I could continue to support our daughter and send her to college, which also was written into the divorce. (Mr. Hedrick said that the reason they are here tonight is because he has not paid anything since 2006.)

Child support payments have been very sporadic until very recently. To date, I have received no Alimony, which was ordered on June 2, 2006, and 3 or 4 more times subsequently. Mrs. Illiano spoke up and said that they have been to court, and he has been ordered 4 more times to pay alimony put in a Rule to Show Cause in October, and we finally got a phone conference yesterday and her husband put in a Motion two weeks ago, and the judge brought that up in the phone conference, and we are once again going to court in February – for the fifth time – probably to be told again to pay, and they never do anything. Mr. Hedrick continued that the husband is in arrears over \$13,000. He is still in Delaware. He is out there, but she has received no alimony – not a nickel, nor has he provided proof of life insurance. What he said in the phone conversation yesterday was that he can't get life insurance, because Angela has cancer. Mr. Hedrick said that if he was the judge he would have asked what does that mean. That is crazy, but he accepted that. Currently, he has been ordered four times since 2006 to pay alimony and show proof of insurance. He continues to defy all court orders. We will be going to court for the fifth time in February again for the same issues as on the 13th, as he refuses to obey the court

orders. The court orders him to pay, and he doesn't pay. He keeps bringing up the same issues again, again, and again even though they have been settled.

I find it hard to believe that Family Court over and over again does not hold him to its order. He is using the system to wear me down and cause me to leave him alone about this debt he owes. I have been told on several occasions that if I had a lawyer this would have been settled a long time ago. I cannot afford a lawyer. I have massive medical bills and I will be incurring more in the near future. I have represented myself in all trials. Yet my ex, until recently, has had a very well known lawyer, whom Pat paid handsomely rather than provide the funds to his family as he's been ordered. Mr. Hedrick continued by saying that the bottom line is that every time he is ordered to pay alimony – two or three months later and he doesn't pay. She files a Rule to Show Cause – he comes in with some lame thing, and it is another 12 weeks. The judge should say that maybe you should pay during that 12 weeks, and they don't. Yesterday in the phone conference, it was a hearing. Yet Angela was not permitted to speak. They say that women really have it made in Family Court, and I can tell you that from knowing her and her family women do not have it made in this case, and the system is not working for her at all. Just to wrap up, he quit his job rather than pay alimony, and I don't think he is the first guy who quit his job rather than pay alimony, but he is still out there. Thank you very much.”

Senator Sorenson then called upon our next speaker, **Frank Cardone**.

5. **Frank Cardone** – “My name is Frank Cardone. I am a 28 year old. I am a father, in two weeks, of a three year old daughter. I am a little bit unprepared for tonight. I am a little bit nervous. I was told during lunch time that this was going on tonight and that I should come down tonight and share my story and see what can come out of it. My child is three and there has been a long history – after her birth and with the problems that me and her mom have had with these courts. None of them have ever benefited on my behalf. It is very sexist system. It favors the female, and I am saying that from the point-of- view of a male. Forgive if I am stepping out of line, but my point of view it doesn’t favor the man. There are a lot of gentlemen out there, and I am not talking about anyone in this room tonight that choose not to be in their children’s lives, and I used to think that they just didn’t care about their children, but from facing the problems that I have had to face in the system I kind of see why they wouldn’t. The days you miss at work – the constant bickering back and forth – the men always seem to be the more violent in the situations! The females are able to hide behind their feelings, and they know they have the upper hand. The courts have looked at me – once the PFA was put into effect – because to make a long story short, my daughter’s mom moved out-of-state the day I hit her up for custody. I tried to keep her in-state, but when she moved out she put a PFA and child support on me counteracting the custody making me look like I am a dead-beat father with an abusive heart I guess. It was a verbal abuse originally. She said that I was verbally abusive. I agree that we argued a lot. We had difficulties. We were unprepared for this child. We just kind of became parents. I don’t think anybody is born to be a mother or father – you either *become* or you fail, and I had a little bit harder time adjusting to it, but I did. I did during this whole situation. I only agreed to the verbal abuse PFA, because at the time I hadn’t seen my

daughter in nine days, and her lawyer said in Pennsylvania that if you sign this you will get your child on the weekend, and I said great. Nine days was a long time at that point – I just wanted to see my daughter. I agreed to it – it stood and it governed over everything else. I became pro se – I went pro se during this whole case, because once child support kicked in even before custody was established I couldn't afford a lawyer. I spent a lot more days taking off time from work in the law library – making friends in the court. I lived in New Castle and King Street is not too far away. That is actually how I found out about today from a friend who works in the courts up there. I tried to do my best, but pro se is not respected in the courts. As soon as you walk in without representation – without money being fed back into the courts – they want to get you out of there as quickly. The people represented are the first ones to be seen. I'm sitting back there for the next two hours waiting for my case to be heard, and I usually got four or five minutes. My daughter's mother and her high-powered attorney blew me away constantly. I spent just three weekends a month with my child. Up until winning this case in September of '06 I was awarded joint custody, shared residence. I had her a week on – week off – she lived with me – she went to day care for one week on and then back to her mother. I don't think it was the best for my daughter; this constantly back and forth, back and forth, but at least her parents were in her life without experiencing the problems that they had. The child support is still going on. I was giving this woman over \$200 a week during the weeks that I had my child – it's like \$400 a week even when I had my kid, and that doesn't include daycare that I had to pay, and the times I had to miss out at court, because she does love my money. I finally got it reduced to nothing and the last payment that she got – that week her and my brother's ex-wife included me and my brother on separate PFA's. They became witnesses

to non-existing cases – this woman accused me of murdering my grandfather to the point to get my child away from me, she added my child on to a verbal abuse PFA which is no longer a verbal PFA. It is just a standing PFA. They forget in the system what the abuse was actually was started as. It just becomes a history of abuse, and they took my child away. I didn't see my daughter for four months, and I had no idea why. I showed up in court – they continued cases – harassing calls from the mother – they tried to set me up to get me violated again. Like I said I was unprepared.”

“Senator Sorenson then announced that no one has to come with perfectly clear prepared speeches. just come up and tell us from your heart. It does not have to be well prepared – just say what you have to say. She then called upon our next speaker **Sunday Haffen.**”

6. **Sunday Haffen** – “Good evening members of the Family Law Commission, members of the General Assembly, ladies, and gentlemen. I am Sunday Haffen, here as an advocate of men and women caught up in the web of Family Court due to lack of honesty of the role of a given **Family Evaluator** who is in the pocket of lawyers who practice Family Law and some unfair decisions regarding the Melson Formula. Since you have heard all these war stories before, this time I want to pose some questions about this Committee's track record since 1983. I am interested in learning from the men and women here and you, members of this commission, about the problems you have addressed or solved, and any relevant committee reports that have addressed the issues brought to your attention.

Last year, I presented a succinct review of minutes from the time this committee first met in January 1983, and as I recall only one issue has been resolved. That is, offering recordings of court proceedings. But upon subsequent review and discussion, I learned that this committee did not resolve that issue, but Delaware Committee for Court Reform Initiative.

I also want to report to you that last spring, an eminent physician, contacted a judge on Family Court, and with great difficulty to do so, reported that a family evaluator had lied. Lied about his contact with the physician, lied about a diagnosis supposedly made by the physician. Fortunately, the judge's ruling went against that evaluator's recommendation. But, as far as we know, no reprimand was made, or warning about his lack of professional behavior. And this behavior goes on and on. You only hear of the problems after they exist and fester. For instance:

1. Which existing legislation have you reviewed or remedied after studying and evaluating rules and procedures in Family Court?

2. I have many questions about these rules and procedures. For instance, do you have a plan, or strategy to address the wrongs and wrong doings of people who work in, or with the Court? When a client or litigant involved in Family Court complains of being victimized by a family evaluator, or the decision of the court, is that complainant invited to your committee to explain so you can either understand a handed-down decision, or further investigate a possible wrong doing?

3. Do you form a committee to pursue a complaint? We heard from one woman who has not seen her children in three years – I guess it is now four years. Do we know why this is so? She has come before this committee three times. Have any of you spoken to her, or referred her to someone, some agency, for help? Have you advocated on her behalf, or is the national agenda favoring placing both parents in the lives of children disregarded?

In conclusion, problems and wrong doings have been presented to you since 1983. No injustices have been resolved, but you have listened. This passive listening is insufficient and impotent. You must work to address the wrongs that exist in the Family Court system, or change the proclaimed objectives of this committee from that of keeping both parents in the lives of children to something else. My take of such situations is that listening to some of the war stories is considered sufficient catharsis to relieve the work and the purpose of this commission. This is insufficient. You can do better. Thank you for listening to me.”

“Senator Sorenson said in responding to Ms. Haffen that as a result of comments made last year regarding custody evaluators and in reference to all the hard work of the Family Law Commission, the Delaware Psychological Association has set up a committee to look at child custody evaluators, and they are going to speak to us at our meeting on January 24.

She then called upon our next speaker, **Robert Van Pelt.**”

7. Robert Van Pelt - “Good evening – I am the picture e guy and I am back again from two years ago and I want you to see why you are sitting there. This is my daughter – she is six years old. In January 2006, two years ago at this very annual meeting, I stated – ‘Free at last, I dream of the day when I am free from the abuse and lack of efficiency of Family Court.’ I am here to tell you tonight that it took almost *two more years* to get through Family Court for custody, and child support. I spent a total of 58 months from the day of the divorce filing to the end of the child support order was handed down. Let me repeat that – 58 months -, translation, that’s approximately about *five years*.

Due to the time limit tonight; I am here to stress these key issues:

- 1) Enforce getting the divorce, custody, settlement, and child support cases through the courts in 3 months or less. I think you have some rule that it has to be under 20 days or whatever.
- 2) Get the pro se centers useable specifically in Kent and Sussex counties.
- 3) Somehow cap these attorney and custody evaluator fees.

Now, my brief rant. Stop the length of time in the court. This court process took all my children’s college education seed money from **both** parents. At times, I was having to spend \$1,500 for a PFA, \$4,000 retainer here, and \$5,000 retainer there, \$5,000 to go to trial. All in all about \$700 a month for five years that I was in there for attorney fees, and believe me I could have spent that money for my children. At a few points when I was without an attorney for lack of funds, the other party continued to file *more* motions in court against me as they knew it took my time and that my lack of knowledge was against

me. I do wish that one could file PFA's against attorneys, as I saw delays and motions as abuse for the reason that the attorney is just an extension of the other party. To me, keeping the process going by the other party, or their attorney, is abuse in a way. The court should not allow this to happen.

Another point – why are there attorneys in Family Court for custody and child support anyway? The mother did not commit a crime, I did not commit a crime, and my children certainly did not commit a crime. Why does it take a law degree to create a standard visitation order, even if the order had some variances? This I do not understand! Wouldn't the answer be to make the court process and rules simpler and more straight forward?

The Pro Se office or 'resource center' was useless in Sussex County. Just to determine how to file a document for a response to a Rule to Show Cause took two employees and a supervisor in the 'resource center.' I was not looking for legal advice – only just to figure out how to file the document with the Court. 15 minutes should be available with an attorney like happens in New Castle County for a consultation on filings, or some forms.

Here are some other issues.

In custody cases, the percentage of time the child is with a parent should remain the same or the presumption as it was in the marriage prior to the issuing the visitation schedule. If mom, or dad, was never around the ordered visitation should model that. In most high conflict cases I have seen, this is the #1 issue that causes long court cases.

Several cases take the children and completely impact their lives by putting them with a parent they were not used to being with most of the time.

Assign a contempt commissioner. That should be their only job. Keep one judge or commissioner to hear a one hour limit from a party for *contempt*. Move the people through the court and punish them severely if they are found in contempt.

Put penalties in for perjury in Family Court. It should be from anywhere from \$100 to whatever and optional jail time. *Get the attorneys out of custody and child support cases.* The custody hearing should be a three party court – it should be a judge, a counselor, and an evaluator sitting on a panel like setting. Attorneys only make this adversarial. I have been in this thing for five years so I can attest to that. My facts in my case, I estimate that all the years of child support no matter which way it goes actually went to both party's attorneys, not the children.

In closing, I looked back at the FLC minutes from the last two years. The same issues come up over and over and over. The court was intended to assist the parties in a resolution that could not be arrived by the parties themselves and it is now nothing but a money pit and a drain with some resolution. It is amazing to me how out-of-tune with the public the court administration is. I will be free from Family Court jurisdiction only when I die, or my youngest child turns 18, so I have 12 more years of this. I would rather Family Court serve its intended purpose than to be a financial drain on my and everyone's and everyone here children's college education and their everyday living expenses. I want to thank you for allowing me for being here today and my name is Robert Van Pelt.”

Senator Sorenson then called upon **Raetta McCall**.

7. Raetta McCall – “My name is Raetta McCall, and I am with the Delaware Court Reform Initiative. I have been attending your annual public and monthly meetings since 2002. Tonight I have a question for you. Why are you here? Because H.B. 699 passed in 1983 creating this Commission stated you have to hold one public hearing a year? It certainly isn’t because you care about the problems and issues litigants bring to you regarding the Delaware Family Court system. Those attending last year’s public hearing watched one of you play with your cell phone, while others had their eyes closed during most of the testimony. One member of your Commission has not shown up for any meetings in years. That is how much Senator McDowell cares about being on this Commission and making a difference in the lives of the families that are stuck in the quicksand known as Family Court. I call these families the ‘living dead’ as most have been in the quicksand for years and years with no end in sight, and they are just barely surviving.

Are you looking at and listening to the people who have come here tonight? People whose families have been destroyed by attorney’s raping them financially for years, judges who do not care that their ambiguous rulings cause pandemonium, destitution, illness, and more in the lives of those families that must come before them during the most troubling times in their lives. I am not sure why you are here, but I know why these people giving testimony are here. These people have come here tonight, because they believe this Commission was created to improve Family Court, the systems, and the agencies that

support it. What is it going to take, what words, what actions, that will make you sit up and decide enough is enough and actually make a difference in their lives?

Martin Luther King, Jr. stated, "Injustice any where is a threat to justice everywhere." It is an injustice for this Commission to give hope to litigants that they care and will do more than discuss the status quo. The same Family Court issues that were discussed by litigants in the early 1990's is still being discussed this year. I applaud you for the website, and I ask again this year when will you move past the comfortable and dig into the real issues?

What are the issues?

Attorneys fleecing their clients while giving inferior, and often times, no representation.

Judges making substandard decisions that are so vague litigants begin fighting as soon as they leave the courtroom.

Child Support that remains uncollected even though the correct information is in the system.

Children who have no protection from sexual and physically abusive parents, because judges refuse to look at, and act on, evidence that is irrefutable.

Contempt of Court charges never get heard in a timely manner, if at all.

And the big one.... - The ability for a litigant to have a support person, or two, in the courtroom during their hearing.

Family Court is one of the most horrific experiences a person can encounter and the courtroom itself is like entering a torture chamber where the judge and attorneys challenge your rights, dispute your intentions and attack you on almost every level as a spouse or parent while determining how to divide up your life. Litigants have requested persons not associated with the case be allowed in the court room and it is being denied. The question is why? It isn't because of the reason they give; that children would be negatively affected. Children are never in the court room and rarely does the judge talk to them. So in reality, what are they trying to hide?

I am tired of repeating the issues to you over and over every year. Time is running out for many families for parents and children alike. Our jails will continue to fill from children acting out against a system that deprived them of their right to protection from abuse, poverty, and a loving environment. Foreclosures on what used to be a home will continue to rise and many will be on the streets seeking shelter.

Yet year, after year, after year here you are – the same old people doing the same old thing; keeping the status quo in Family Court and giving those who have come here false hope that you will take their issues and work to make the system less corrupt, less broken. Many come with suggestions so you do not even have to break a sweat to think how positive change could happen. But in June your responsibility to hold six meetings a year will be over for 2008, and nothing will change for those suffering from the terminal illness borne of Family Court.

The reason I come to these meetings is because it is an opportunity for outreach and awareness, to let those in this room know their situation is not unique. The same situation is happening 100 times over in this state and across this nation. I also want to let them know they are not alone. There are advocates who diligently work for change. Advocates made audio copies of hearings a reality. It took five years, but it happened.

Thank you to all you who come to observe this hearing, and special thanks to those who will give testimony. I am sorry to inform you that this Commission will not make a difference. Only with your speaking out will anything change. It is your voice, your advocating actions, your refusing to give in to the status quo that will make a difference. Join with Delaware Court Reform Initiative – together we will continue to make the difference. Without our voices, our efforts, our continued fight, the system will remain broken, and you will continue to suffer in the years to come. Thank you”

Senator Sorenson then called upon **Herman Row**.

9. Herman Row – He began by saying – “Boy is she a tough act to follow! Good evening. I am here tonight to ask for fairness and justice for the men in Delaware. The solution to the problem is changes in the law, or new laws to correct the problem. **The problem is that 16% to 30% of the men who are named fathers are not the biological fathers.** There should be relief for the fathers! Should the mothers be punished for fraud? The state of science today is that it is easy to determine who the parents are and who are not the parents. I am sure you all have heard of DNA. I have submitted a copy of a law

from the State of Georgia – other states are also considering this law. (He presented a few copies of this law to the Commission.)

I do have a few comments after listening to this. The system is broken. Lawyers make more money the longer the case lingers in court. I believe that the public observation the courts might need the best solution. Let's shed some light on the situation! If you open the doors and let the light in, I think some of the abuses will stop. I know all of you, or most of you, have received packets of information from me, and I have never heard one personal response on anything that I gave you to read about Family Law. Thank you."

Senator Sorenson then called upon our next speaker for the evening, **Jeff Samluk**.

10. Jeff Samluk – "Thank you. This is my 3rd year in attendance; I appreciate the opportunity to speak to the forum. Thank you for moving the day from Wednesday, and thank you Senator Sorenson for the meeting over the summertime. I know that when you sit here with everyone's emotions running high, I am sure that the Commission is listening to their comments, I am sure it is not an easy task. I have another case in Family Court for Custody Modification, based on my ex keeping my daughter from me since Thanksgiving among many other things. My daughter is a very good student – she is active in sports. On the last marking period she received two F's – she was cutting class – she was suspended for cutting class. We have joint custody. Her mother signed her up for sports anyway, so my daughter refuses to come over and spend her visitation with me. I tried several times to get counseling for my daughter –my ex refused. This is a multiple attempt that we have

gone through – the first one we had was our marriage counselor and she said she wasn't qualified, so I went through a whole other set of counselors. I had talked to them – I had e-mails to follow up and again no response. On the Standard Visitation Guideline pages it states *if a child indicates a strong opposition to being with the other parent, it shall be the responsibility of both parents to appropriately deal with the situation by calmly discussing with the child etc. If they cannot resolve the problem the parent shall seek immediate assistance of a counselor or other professional, or they may file a motion requesting Court-ordered counseling. It is the absolute affirmative duty of the residential parent to foster an environment which avoids such problems and to make certain that the children go for visitation.* She has refused this time and time again. She has primary custody of the kids during the winter months and school time, and I have them during the summer. It is confusing to the kids – it is not equal – I am not seen as a parental figure to my children anymore.

My ex has made statements to the kids, especially my daughter saying over the summertime that in two weeks time you never have to see your dad again., and she made a statement a couple weeks after that all of this is tied up in the Family Court system. I have never received anything from her attorney or the court system even though I am still filing for a Custody modification. Having said that she is filing an answer to that finally and now is requesting for me to pay her attorney fees, but yet I am pro se. Our mediation is going to be scheduled, hopefully, and we will also get a new court date with a judge.

My main issues for this counsel are:

PFA, what does a PFA have to do with child custody? How is a PFA justified? There is no swearing under oath. There is no nothing. You walk in and fill out a piece of paper, and I lost my kids and house. I grabbed her arm – sure, but was it the right thing to do – No - but I was trying to get one of my kid’s book bag and she refused to give it to me and she got into another disagreement with her – and so on, and so on, and things got a little hot. So I got a PFA against me for grabbing her arm – I lost my kids – lost the house – lost everything after that. People actually diminish the value of the PFA in the manner she has. It should be punishable by a Court system. One reason to fight that also is that I was given information that I can plead No Consent Order on the PFA. The Consent Order shouldn’t have anything to do with the custody hearing, anything at all, yet it still played into the end result. I have conversations of her taped, she is drunk: she is engaged in conversations other than the kids saying that the PFA was a mistake and that she listened to the wrong people. She dropped my daughter at my door and threatening my fiancé, telling the kids and many other things that are unimportant to the kids.

Delaware is one of 12 states that require –you need two person consent, and that needs to be changed to allow tapes to protect children’s rights. In many other places I would be allowed to use those tapes to show that she has continually done things to undermine my authority as a parent – that says that she has done many other horrible things and that essentially that the PFA was a mistake and that she listened to the wrong people. I think that really sums it up.

The Melson Formula was changed last year, but it didn't go far enough. I get penalized four times when it comes to my portion of custody. The good news is that my support went down 10% from \$25,000 a year after taxes with the changes in the Melson Formula. The bad news is that I still pay 73% and she pays 27%. I don't get to claim any of my children on my taxes, although all my support is taxed. I can't participate in flexible spending, but she can participate in the flexible spending for the 100% of the kids, but remember she only contributes 27%. Each child tax credit is \$1,700 a year, and I have three kids. – that and flex spending costs me about \$6,500 a year in tax credits on top of my support – she gets that, and she doesn't have to claim that on the Melson Formula which to me is appalling.

Among other things – why can't the court tell me why New Year's is not a holiday? What is covered under child support? I can't even get that information even if a hair cut is covered! My attorney told me that once upon a time – sure fill out the information, and we get you all the information that you want, but it is going to cost you \$250.00 an hour – she didn't ask me where I wanted to sign up! So where is it documented for the tax credit, and why does the court always favor the mother? Why can't it be a 50/50 Joint Custody? I am supposed to have that, but with the way things are set up I am not seen as a parental figure in my kids' lives.

I had them over the Christmas holidays, and the Court Order is very unclear and is open for interpretation, and it says that I should have the children during the entire holiday season during the Christmas break. Well if you look at the kids' calendar, it says that

Monday until New Year's Eve, and then that starts the New Year's Holiday. Well my ex and I got into a big argument about that – trying to make it easier on the kids – it was just easier for me to let her have them during that timeframe. I miss out on time with the kids, because the judges do not look at all the details, and we cannot agree on things.

We need more judges on Supreme Court and competent judges on the stands. The judge I had was very degrading, and she made many unprofessional references and comments toward me. There were many issues in my appeal that warranted a new hearing, and in sitting in on the last Supreme Justice Budget meeting, it is clear that they didn't have the personnel to review it properly and denied the Appeal. Also, I am pro se because I can no longer afford an attorney. I think that this has a big bearing on the information that was there. I showed Senator Sorenson a copy of the Appeal, and she brought to my attention that for some crazy reason they decided to use the names of *Mr. and Mrs. Smith*. I have yet to understand that – it is rather insulting when you go through the whole process and you come back and your name is Smith. Other than that everything inside that Appeal that they used as the basis to deny on was incorrect.

There is no follow-up on Ex Parte, and I have heard that a couple times here tonight, although it states that it will be handled in due cause; there is nothing that is done for it. My ex-wife's boyfriend broke her nose, and she lied and committed perjury in court. That has yet to be dealt with. I got a PFA for grabbing her arm, and he had a third-degree assault charge dropped just before he went to our custody hearing – yet he is still around my kids anytime he feels like it. He has never gone to anger management – never done

anything about that. I don't understand that. I have been asked why I don't just accept the way it is in the Family Court system? I said I can't for my kids. I want to let them know I am trying to make a difference. I have a friend of mine who is in a similar situation, and maybe if he had something a little bit differently a couple years ago, maybe I would not have had the same thing going on today. As far as the c.d.'s that are available now – I think that is great, because that is going to help the next person. It didn't help me, because I had to spend \$775 to get my transcript. I thank you, and hopefully you guys can make a difference.”

The next person to speak was **Roger Hall**.

11. Roger Hall – Ladies and Gentlemen, My name is Roger Hall. I am a disabled veteran I am a **paternity fraud** victim. I'm here today to speak out on the injustices of incorrect paternity and to give voice to Delaware's victims, their families, and the children who suffer from it. I had absolutely no idea that my country would ignore my ex-wife's son's rights and my Constitutional Rights – this same Constitution I took an oath to support and defend.

Fraud is never right. When it is found there is an inherent duty for it to be corrected and not reinforce it. Attempting to reinforce it flies in the face of honest people. It damages the public health. Paternity fraud is devastating families, damaging children's long term medical health and wreaking havoc in the lives of men, their families, and causing them emotional, social, and financial damage.

And the epidemic has reached startling proportions as (28% - 30% of tested males) who find they are not the biological father. The most progressive states in the Union have already addressed the issue in law, (Maryland in 1995, Ohio in 2000 and Georgia in 2003 and many more. Paternity Fraud is when the mother of a child purports that a male is the biological father of her child without advising him, government officials, or the courts that someone else could also be the father. There is no current law requiring a full and truthful disclosure of all material facts to the alleged father. Imagine your wife has an affair, becomes pregnant with another man's child and leads you to believe that it's your child. According to the Delaware Uniform Parentage Act. (Section 8-607), you are responsible for another man's child, because you lacked mind reading abilities and believed your wife, and consequently signed the birth certificate. In the event, that this act of fraud and dishonesty continues for more than two years, as there is a two-year statute of limitation, the child becomes deprived of an accurate medical history, and the ability to have natural family support. The victimized step-dad is held responsible for another man's child if the marriage ends. This could happen to you or to someone you love.

Who is affected by Paternity Fraud you may ask – the victim, victim's family, and the child? The victim's are convicted for believing 'I'm pregnant and you're the father', while the mother willfully and knowingly conceals material facts. The children are victims of paternity fraud by loss of their bio-dad, paternal family, financial benefits, and the family medical history.

How can children who have been lied to about who their biological father is know their true medical history, and thus be fully armed in their lifetime fight against diseases? Imagine the horror of a recent case in California where a young child, little Casey, suffering from leukemia died an excruciating death after a transplant rejection from a stranger's bone marrow! The child had eight siblings, none of whom shared her HLA type. That's because she was conceived by another man. No one representing the biological family was ever tested. Her best chance was nullified, because her mother did not have to share the child's genetic history with the hospital, or the courts. No one asked the mother, and she did not tell. She knew she would lose her child support. To the people who incorrectly state, 'There is more to fatherhood than biology – tell that to little Casey and others like her.

Imagine frequent trips to your child's doctor, getting asked for family medical history, as I have been in that position and not being able to answer! I've been there and cried to the doctor – 'I have no idea.' The doctor stated, 'Not having this information isn't good for the child or anyone that care for him.' The child has special needs. His doctor wrote a letter stating the importance of a complete family medical history. In my case, Mom realized her mistake as detrimental to the child's long-term care. She and I were working together, in the child's best interest. **The court, interpreting this Delaware law asserted its will over us and denied what was medically important information and financial support from the child's natural father.** Mom is denied the basic knowledge to navigate the child's lifetime medical health from a position of knowledge. **According to Mom, the child's natural father knows he has a son with special needs, but he's allowed to evade his**

responsibility to his child. We fear, as time goes by, that if something medically catastrophic were to happen to the child; it could potentially turn out like little Casey with no support.

On the other side of this coin is my family. Taking away resources from my natural son for a child I didn't sire is wrong. Bert Riddick, a Paternity Fraud Victim in Los Angeles, went from middle class to homelessness and welfare dependency. He said, 'I wonder which child they're talking about – the child whom tests have shown is not mine, or the three children who are mine – who I have to feed and clothe everyday. Is taking half of daddy's money for 18 years in their best interest?' And I say that, we the victims of paternity fraud and honest Delawareans support a bill to provide relief against paternity fraud against paternity fraud to stop lying, cheating, and stealing from innocent, men women, and children. Thank you for your time."

(These are additional comments that time did not allow. Where is Paternity Fraud being practiced? Everywhere – Paternity fraud is not discriminatory. It is practiced by rich and poor, educated and uneducated, married and single mothers, across various age groups in most, if not all states.

What have some courts said about Paternity Fraud? *The United States Supreme Court* – “in the field of contested paternity, the truth is so often obscured because social pressures create a conspiracy of silence, or worse – induce deliberate falsity. The person alleged to

be the father has a legitimate interest in not being declared the father of a child he had no hand in bringing into the world. It is important to him that he not be required to provide support and direct financial assistance to one not his child.

The United States Supreme Court has said – ‘The value of blood tests as a wholesome aid in the quest for the truth in the administration of justice in these matters cannot be gainsaid in this day. Their reliability as an indicator of the truth has been fully established. Obviously, both the child and the defendant in a paternity action have a compelling interest in the accuracy of such a determination.’

The Maryland Court of Appeals, Langston v. Riffe, held that Children do not have a say in the selection of a father that is only done by the child’s mother; Best interest is not relevant to the truth. Either a man is the biological father or adoptive father; there is no middle ground.

The Indiana Supreme Court, Russell v. Russell stated, “Proper identification of parents should prove to be in the best interest of the child for medical or psychological reasons. It also plays in the just determination of child support; we have already declared that public policy disfavors a support order against a man who is not the child’s father.

Georgia’s Appellate Court, May 1997 (upheld in GA Supreme Court) stated “While it is the policy of this state to require fathers to support their minor children, it is not the

policy to extort such support from persons who are not in fact the fathers. The law should not punish a purported father for failing to insist on a paternity test when he has no reason to believe that he is not the father. A contrary rule would invite suspicion and distrust and essentially require all purported fathers, upon divorce or separation, to accuse their spouses or partners of infidelity by demanding proof of paternity. In addition, to fostering animosity between the parents, a rule encouraging fathers to contest paternity could also have a negative impact on the father-child relationship.

Georgia' Appellate Court, Nov. 1999 – Not only has the putative father been cuckolded, the law adds injury to insult by requiring him to pay child support even after he establishes that he is not the biological father. Once non-paternity is scientifically established, courts cannot ignore such facts by relying on policies developed when no such proof was possible. To create a fiction in this matter does not make the male the biological father of the child; it simply makes him the victim of the law. While the courts may preach their false policy, they lose the respect of any citizen with common sense. The legislature should address this issue.

Senator Sorenson called upon **Chris Steele**.

12. Chris Steele - “Good evening. This is my first time here, and it is the first time I heard about this. I am a non-custodial parent of two children son and daughter 6 and 7. I went through a separation and divorce. Since our separation back in 04/01 I have been paying child support, got in arrears and got caught up in my arrear. My point in this is the Family

Court and the Melson Formula. There are a lot of single men who are fathers who are doing their part, and we are stuck with the fathers who are not doing their part, and we are hurting. A lot of people talked about legal fees and income and stuff like that. Certain things that the Family Court of Delaware and the Melson Formula is that it is retroactive should be looked at because it can be 6 months prior on a father when there was no order already there, so you ask for money that you didn't even have. I am just saying certain things and I just don't think it is fair. One of the things that another organization from the National Center for Men, which is an organization that just supports single men, or fathers. and basically they are trying to find ways for men to have some say over the decisions that affect his life and family. Basically they said they do not expect the court to rule in favor, however they do expect them to hear and they expect for us to hear that this is just the way things are, and things are just not fair. However, me standing here today and those who came before me, and this organization, hopefully this will cause awareness so a debate can be started. Also, the timeline on whether it is custody issues, or child support – that timeline is very long. For instance, I have filed for a Child Support Modification only because since I was looked at in '04 the mom came to me that she needed the money for something else – for tuition for private school – things that she wanted the kids to do which was above my means and also hers. However, we could not agree, so she filed for a Petition of Modification. My point is that the things that she asked for should not be in Family Court. My thing is that this started in April 26, 2007, we went to Mediation. Now from that time on to this very day – we went to mediation, and of course there was no agreement there – went before a Commissioner on August 8, 2007, four months later. At that point, the Commissioner sent their decision in the mail. Basically, I did not agree

because I thought it was unfair. They thought I had a second income. They do not go by the Commissioners or the Judges – they must be overworked – because they do not go by every guideline in that Melson Formula by checking on everything as far as a second job. They feel as if a second job improves your standard of living (it doesn't make if it is 2, 3, or 4 jobs) that improves your standard of living and that is not always true. Anyway, as long as you are meeting the basic needs of your child and the basic needs of yourself, but they did not agree with that. My point is now I have to go to go before a Commissioner and I filed a Review of the Commissioner's Order which was reviewed by a judge and basically they did not come into that review – she did not hear my side of the review. She based it on what she read from the previous. So now like I said what must be done for us to be heard for those not being heard, besides going out and getting these lawyers which we cannot afford, I guess my next step is the Supreme Court, because that is my next step. I will have to go online, which I did and print off a ten-page thing to tell me what I got to do to survive to go to the Supreme Court without a lawyer. If that is what it takes to be heard, and for Supreme Court to say something, then it is time for publicity, and maybe that is the only time when people do react when there is public publicity, and somebody is covering up. A lot of people don't say nothing, because there is no publicity and the little man is not being helped.”

The next person to speak was **Darrell Saunders**.

13. Darrell Saunders - “I would like to first highlight my 13 topics and then give further detail on the topics on which I wish the Family Law Commission to address.

1. I request the Commission to investigate a system where citizens can accommodate *exceptional* effort in Family Court. There are some people who work in the Family Court that cut through the bureaucracy just to help people that they see there is a need for regardless of Commissioners and Judges Opinions.

2. The term Visitation should be changed to Parenting Time. Parents are not visitors; for the most part only convicted, incarcerated criminals receive visitors.

3. The term *Delaware Standard Visitation* should be changed to *Delaware Minimum Parenting Time* and Delaware should adopt a Standard of parenting time that reflects 50/50 shared time. That should be the standard.

4. Independent public review of Commissioners and Judges. The judges should regularly have their decisions and transcripts reviewed. Since so many parents are complaining something must be wrong. Judges tend to legislate from the bench and act above the law and this must be stopped.

5. Accountability in Family Court – There is not a system that citizens can use to enforce orders of the court. For example : The court told me if I released my personal and private medical information to the court that they would (a) Keep my private records sealed and would not be viewed by the other parent and (b) My medical records would be returned after the hearing. The court did not keep my medical records private from the other parent. In fact the other parent used my medical information to harass me. Also, four years have passed and the court has not returned my medical records – these records with social security records. It cost me about \$7,000 to the court.

6. Commissioners and Judges role is to interpret and uphold the written laws that the State of Delaware legislature has passed. I would like the Commission to investigate a system that will allow citizens to remove commissioners and judges that have distanced themselves from the role entrusted to them. Judges are not above the law, nor should they have disrespect for parents' rights or family rights. In some states, judges are voted into position. The process here in Delaware a judge can remain on board for 12 years and then they are evaluated by some closed-door system.

7. I would like the Commission to investigate the recusal process. It is not fair to the child that once one parent request of a judge and that judge does not recused themselves, that the judge must change the standard of making decisions from the *Best Interest of the Child* to *Must Not Show Favoritism* to the parent that asked for the recusal. Let me clarify that a little bit – once one parent asks for a judge to be recused, and then the standards change. The judge no longer uses the best interest, but the judge says well I can't appear to be – to show favoritism – so I have to rule for the other parent.

8. I would like the Commission to investigate standards for the training of Parenting Classes instructors... Additionally, there should be a requirement that parents requesting child support or help from Child Support Enforcement are required to take parenting classes in addition to the one that they may have taken for custody.

I would like the Commission to review BreakthroughParenting.Com. I am a certified instructor in Breakthrough Parenting and welcome the chance to offer my services to the Commission.

9. I request the Commission to investigate the requirement that the court impose sanctions for false allegations of domestic violence, or harassment. The lawyers also should be sanctioned too.

10. I request the public be given access to all statistical data of Family Court – for example – what custody breakdown goes to the mother or to the father. I request that the public have access to assessments and review of commissioners and judges. The public pays for it, the public should get it!

11. Passports for children are becoming an important issue in Family Court. Soon children will need a passport to travel domestically. There are parents that use this passport law – malicious parents –to force their will on the child and the parent requesting a passport to travel

12. I request the Commission investigate what can be done to prevent mail from being sent out to parties in an untimely manner. I have often received mail from Family Court which I have had only a few days to respond, and the postmark on the letter is different than the decision that the judge signed. It would be helpful if Family Court adopted a rule similar to the Supreme Court which allows three days of mail time – well, it is Supreme Court Rule 11(c).

13. I request an investigation on the reappointment of Judge Wasserstein. I would like to know how she was appointed when there are so many complaints regarding her behavior. I would like to review her file and call for a public review of commissioners and judges that are open for reappointment. Public reviews should be held in the county of service. There should be no special sessions in Legislative Hall for people who are being reappointed.”

Senator Sorenson called upon the next speaker for the evening, **Dr. Irene Talley**.

14. Dr. Irene Talley “Members of the Family Law Commission, members of the General Assembly and ladies and gentlemen. My name is Dr. Irene Talley, and my area of focus is Families and Children. I would like to comment on three things this evening.

First – How difficult Family Court in Wilmington has made the paperwork to appear in court, as an observer, to support a friend during her custody hearing.

Second – On Family Court corruptness an unscrupulous Family Court evaluator, who charged a \$1,200 fee for a report he never delivered to the mother who paid him. This same evaluator refused to speak on her behalf in Family Court until the mother paid him. This same evaluator stated that he favorably evaluates the person who pays for his report.

On the first topic: I was denied permission to sit in and support my friend, despite having done the complicated paperwork to observe in Court and done in a timely fashion. A clerk in the Judge’s office in Family Court returned my paperwork with the reasons “lack of service to the opposing party” and, “not a party to the case”. Both reasons were untruth. I correctly mailed a set of papers to the ex-husband, and I was a party invited by the wife.

Perhaps the people in this room do not know how in the past year Family Court has increased its paperwork for observers in Family Court. The following is what was necessary for me to do, *not to speak in court, just to be a supportive presence for my friend and observe only*, I had to:

First – Download four pages from the Family Court website – directions and three forms.

Second – Duplicate that set of four pages three times, for the three people I needed to get permission from –the judge, my friend and her ex-husband. That’s nine sheets

Third – Find a notary and get two notary stamps on each set – that’s six notarizations. If you must pay a notary, that’s \$30, unless you can take off from your job and go to Family Court where they will do it for nothing.

Fourth and Last – You have to mail the three sets. Now here is the Piece de Resistance – you have to have it in the mail two weeks before the Family Court hearing. That means that if your friend asks for your support , your presence in court, because she feels stressed and does not want to go alone, you cannot attend unless she asked you more than two weeks in advance.

Question – Why did they recently change the rules to make it harder to observe?

Obviously to discourage observers and to keep anyone who may witness what happens in Family Court. Some families report that judges are more polite, lawyers behave differently and family court evaluators are more guarded in their words when observers are in the courtroom.

My second point – you have a Family Court evaluator who charged exorbitant fees to financial strapped mothers! Could you take \$1,200 out of your grocery money to pay this evaluator? That’s \$1,200 after you pay your lawyer’s fees. This same evaluator has been brought to the attention to this Committee time and time again, and nothing has been done about his prices or his correctness. He still owes one person \$800 and he has not paid it. A Psychology 101 tenant states that *the behavior that is rewarded is the one that is repeated.*

This man was rewarded for his corruption by being paid \$1200 and not providing the report, and he will repeat his corrupt behavior.

Since 1983, this committee has been asked to address two items:

First – The need for openness in Family Court

Second – The need to investigate a Family Court evaluator who is corrupt.

Third – I add a third request to the above – establish a way we can observe in Family Court with less paperwork, and eliminate rejection of my paperwork with untruthfulness.

Finally to count the solutions which have been accomplished by this Committee, not what has been listened to, insofar as the inequities in the Family Court since 1983? I have always been judged in my career by my performance – not on my promises – and not on my listening skills. I suggest we need to do the same thing – evaluate what performance, what remediations this Committee has completed of these complaints presented to you by frustrated Family Court litigants since 1983 – that’s 25 years.

In conclusion - We need to reduce and simplify the paperwork to observe in Family Court. We need more ease of accessibility and openness in our Divorce Court Hearings in Family Court. It should be noted that usually the same judge and the same evaluator are paired in disrupting the family. We should know what the judges and the lawyers say and the fees that are charged. We need to download the monthly reports from this Committee since 1983, and to count the number of times these same Family Court issues have been

presented again and again in 25 years. We need to count the remediations, the resolutions that this committee has addressed. What has this Committee done to correct these issues since 1983 – we deserve to know.

From ancient Rome, when Gladiators fought the Lions – the score the Gladiators against the Lions since 1983 – Gladiators successes in Family Court = ZERO. Lions who ate the Gladiators – too many to count!!

Senator Sorenson then recognized **John Flaherty**.

15. John Flaherty – “Good evening Senator. I got here too late to sign up. I will be brief. I am here as a private citizen. I want to comment on the testimony of this Doctor. The Family Court procedures are backwards. Now the courts are open according to our Constitution. Family Court became a Constitutional Court in April 2005. If there is a compelling private interest in closing the court – that’s where the paperwork should come in. Possibly then one of the litigants could come in and fill out the paperwork and say *I think that this hearing should be closed*, but Family Court proceedings should be open. There should not be all of this paperwork and all of these obstacles that you experienced and many others. This issue has been – it has been almost three years now, and Family Court should be treated like any other court with the caveat that a litigant could file paperwork possibly to close their hearing or their case if there were extenuating circumstances. So, I would urge the Family Law Commission to speak out on this particular issue. Thank you.”

The next person to speak was **Michelle Spence**.

16. Michelle Spence – “My name is Michele Spence, and this is the second year in a row that I have attended the Family Law Meeting. I’m here not to just to speak to the Commission, but to everyone here in this room. We are all here for the same reason – Family, and it is the very fabric of our society, and it is being attacked emotionally and financially. Family Court and the Division of Child Support are ruining our live. It is necessary for these agencies to produce an absent or non-custodial parent through their orders or they wouldn’t receive the billions of dollars of Federal Funding. You add in the Division of Child Support billing errors and lack of responsibilities, it becomes unconstitutional. **Since I attended this meeting last year, another 10 months went by without child support from the absent parent in my case was located. This is a total of 20 months from this State of Delaware employee.** Over 20 attempts to serve – which the taxpayers paid for was located. Then the father petitioned for the arrears was only awarded \$1,600, instead of the \$14,000 that was owed to these children. We all suffer when our constitutional rights and family parental decisions are unjustly intruded upon, and there is definitely a need for unity. Part of the reason change is so slow is we are isolated from each other. We don’t know that we are not alone in this fight. We need openness in the Family Court system. Without it you leave us no other choice, but to gather in peaceful protest, so we can reach out to those who are isolated and to each other. With unity we can solve these problems together with or without the Family Law Commission. Thank you.”

Senator Sorenson called upon **Cynthia Smith** again.

Cynthia Smith said, “I just want to make a good point with what we are actually addressing tonight. We asked the Chief Justice of the court to read the published statement acknowledging that the problem still exists throughout the Family Court system in handling of Custody cases and expressing the commitment of the court to rectify the situation through serious and regimenting reform. In closing, there is something I wanted to ask the Commission to provide this information – demographic of custody awards by children’s gender, custody award difference award between counties, distribution of custody cases by parent and counties, statistics of custody awards between nationality and gender. If there is suspicious evidence of this disturbing data to prove my point, I request the Commission to recommend a full-scale gender/bias study. I am a stay-at-home mom, and was married for 20 years. I did not get any alimony. I believe I am the only Asian mother in Delaware who was not awarded, and the rationale given was that both parties did not have any money, but the stay-at-home mom must pay child support. Perjury was not considered in the decision despite numerous Motions Filed in Contempt. Child abuse allegation was unfounded, but never sanctioned by the Commissioner. The court has failed to even address the child abuse allegation in ex-parte. The children were never asked. Division of marital assets to this date, have not been divided. It has been three years. I believe I am the only Asian mother who was treated this way. Numerous Motions of Failure to Comply was never sanctioned by the court. Disclosures of dissipation of marital assets motions were never sanctioned. Requests of documents were incomplete and Failure to Comply Motions were ignored. Thank you so much.”

Senator Sorenson then announced that she had received in the mail a letter from

Grand Parents United DE, Inc. prepared by Debbie Fales, V. President of Sussex County.

17. Senator Sorenson read the following letter “Family Law Commission Public Hearing Comments – ‘First I want to thank each of the members of the Commission and the public for the opportunity to speak tonight, as well as submit written comments. I am here on behalf of Grandparents United De, Inc. (GPU) We work with relative caregivers of children already deemed at risk by our Family Courts. We have much experience with the issues of the Family Court. I will touch on one issue that seems to go against the closed theory and submit GPU’s written statement prepared by Debbie Fales. V. Pres. for GPU.

When permanent guardianship is ordered by our Courts we find that a one pager like the one done for standard is not knowledgeable for all courts in Delaware. This is a real issue, since a permanent order can be as long as 15 pages or more. This disclosed all that has taken place in the closed courts. Everything we do for a minor child we must document we have a legal right to do so. But the way it’s still being handled all those who require this read and keep a copy on file of what is to be closed to the public.

Recently, a caregiver of over ten years need renew passports for the children in care and had to disclose all. In contacting a judge for a civil disposition (one page order) she only received a letter, not an order. While we do have medical and school affidavits they and most others now require a formal court order. It’s imperative that Our Family Courts

not disclose all in the current method. We must keep the child's best interest at heart, and it's the spirit of our laws. Children face many issues already and do not need unnecessary stigmas attached to them in a 'tell-all method'. We hope this matter will be addressed swiftly. Thank you again:

Senator Sorenson then said, "Thank you all for coming tonight, and we will transcribe the comments that have been made and try to make a summary. We will go back and look at some of the issues that were raised such as paternity fraud. We talked about the time it takes to – the timing of when you receive a letter and the postmark – changing the name from *visitation* to *family time* or *parenting time* – who gets the tax credit when paying income tax – the one paying the most or the one paying the least! There were some individual issues on child custody – we will have to go through all of these and see if there are some issues that we can address with Family Court. Thank you for coming."

The following comments were submitted at the close of the Public Hearing with the provision that no name be used –

"On 1/2/08, I was on the second floor of the NCC Courthouse with a friend who was there for a scheduled court date.

After we arrived, a short time later, his ex-wife (named in the complaint) showed up and even though there was a no-contact order in place, this woman proceeded to follow us around the courthouse. We moved, she moved, at one time sitting down right in between

the two of us. She got very loud, so loud that she could be heard in the courtroom. No one said a word to her, we didn't and no one coming in and out of the courtrooms did either. She was entertainment for the day for those on the floor that morning.

I was amazing to me that people working for the court were walking in that hallway, heard this woman, and no one bothered to do anything about her behavior. She is bi-polar, so at any time this could have escalated as she has broken my nose on another occasion.

At one point, I told someone sitting at the desk what was going on, and she told me to notify the bailiff staying inside the courtroom until he has to come out to call another person to come into the courtroom. Until he comes out, the situation continues and nothing happens! At some point, my friend notified the bailiff, and he told her (ex-wife) that she needed to take the discussion outside the courthouse which did nothing to stop her from getting loud once he went back inside the courtroom.

After my friend was done, on our own (not because anyone told us), we went to the Capitol Police as we wanted to get a copy of the tape to show this woman's behavior when we went back for the hearing. We were informed by the Capitol Police that the cameras are not turned on in the courthouse. They are turned on when a bailiff calls Capitol Police and alerts them to a situation, which didn't happen in this case. That was definitely a shock to us. Why aren't the cameras on? Even if you write over them, to record an incident would be better than to not have it at all. I think this is a gross neglect of the court, and this

policy will be revisited when something happens and then it will be a reactive mode vs. a pro-active mode.

Family Court needs to be monitored more because in itself it creates a volatile situation when you have defendants, witnesses, and the like all appearing in the same place at the same time. In addition, when the staff does nothing to help you alleviate a situation, i.e., not alerting the bailiff themselves, this poses a danger to the public. I didn't feel safe at all on that day, and I was especially angry when I found out that the procedure that should have been followed wasn't, thereby the party in this case left the courthouse and was later followed up with a warrant issued by the Capitol Police after numerous were interviewed about the situation.

Please address these types of situations and how they can be improved in the future. We have to be back in court on the 24th, and we will alert the Capitol Police prior to going to the courtroom, because I have no doubt this woman will act the same way.

The following is a copy of an e-mail dated January 15, 2008, sent to Ms. Ardis with the request that the following comments be added to the record for the Annual Family Law Commission Public Hearing.

e-mail - Mary Ann Abel "As a parent of children who was in the Family Court system, I would like to offer a few recommendations.

First – I believe that first impressions are lasting, so we have to show our children that the law and courts will not tolerate the behavior that brought them to court. I know that when my children left the court, with probation, they thought it was okay to break the law, because nothing happened. Most children know that there is no such thing as seeing a probation officer if they are first, second, etc. offenders.

Second – The Court system have to be more forceful when it comes to letting our non-custodial parent know how important it is to pay their child support. So many children are doing without their “court ordered payments” because our Court & DCSE systems are not using the laws and resources available.

The General Assembly needs to strongly investigate ways to help our children, by changing the way these issues are being addressed at present.

We need to change the way the employees of these systems neglect to enforce our orders, supervise our juveniles, and the sentences our Judges order.”

The following is an additional e-mail sent from Fay Marsh with the following comments:

“Fay Marsh to the Family Law Commission,

I was in a recent accident and unable to make your public hearing on Tues. January 15, 2008. Below is the testimony I would like to turn in for the record.

My issue is attorneys who fleece clients until they can no longer afford the meager services they provide. Then clients are on their own or find another attorney to put their hope of appropriate assistance. I want you to know I was disabled & getting \$505.00 monthly.

Below is the circumstances of my associations with attorneys for my divorce paid for by borrowing money to pay them. Left an abusive marriage of almost 36 yrs. No children involved other than grandchildren who I have been unable to see since 2002.

Property Division & PFA – Spent approx. \$36,8164 ----- 12/2002
through 2/2007

Laura Yeinst	\$2,750.00
Tenebaum	300.00
Ronald Phillips	1,900.00
*Theresa Hayes	4,500.00
*Lexi McFassell	Legal Aid
Liz Rodriquez	2,600.00
Betts & Betts	75.00
Bruce Rogers	200.00
William Wilgus	2,500.00
Kim DeBonte	?

John A. Clark, III 22,039.00 Paid \$14,039 – Paying monthly balance of
\$8,000

I want you to know only by paying \$1.00 a page through Family Court records

“Attorney nor client was present at settlement” Mr. Clark was representing me 6/2/04.

*Ms. Hayes nor Ms. McFassell would take my case before the judge for a PFA on a
assault by my husband March 2003, an E.R. report, domestic violence reports & arrest of
my husband.

To this day I cannot get equal justice from Delaware State Police Troop 7, because of
all his alliances with them. I reported him stalking me & almost hitting my car with his
jtow truck bumper in 8/2006. A day later I called to pick up an incident report, I was
denied a report. I went out a year later & was given that report.

I hope by sharing this scarce information to the people that serve in the offices of the
State of Delaware can help others going through the same system. Only by changing the
system can lives be saved and people especially children can be saved by devastating actions
of others involved. Thank you.” That concludes her e-mail.

This concludes all of the comments submitted to the Family Law Commission Public
Hearing on January 15, 2008.

Respectfully submitted,

Jean C. Ardis, Secretary

Family Law Commission