

FAMILY LAW COMMISSION MINUTES

February 17, 2005

Belmont Hall

Smyrna, DE 19977

The meeting was called to order at 9:30 a.m. by Chairperson, Senator Liane Sorenson with the following members in attendance: Dr. Rhoslyn Bishoff, A Judson Bennett, Representative Pamela Maier, Ellen Meyer, James Morning, Judge William Walls, Lynn Kokjohn, Dr. Harriet Ainbinder, Katherine Jester and Nicole Kennedy. Senator Sorenson welcomed everyone. She asked for additions or corrections to the previous meeting's minutes, at which time she noted that the public hearing will be held on Wednesday, March 16, 2005, 7:00 p.m. at Legislative Hall in the House Hearing Room, instead of March 17. Nicole Kennedy noted that Family Court is trying to determine what the best changes are in the fourth paragraph regarding "which Family Court cases are 'open' and which are 'closed'". There being no other additions or corrections, a motion was made by Representative Pam Maier, seconded by Ellen Meyer, that the minutes of the January 13, 2005 meeting be accepted, with the noted correction. Motion carried.

Senator Sorenson introduced and welcomed guest speaker, Chief Judge Chandlee Johnson-Kuhn. Judge Kuhn addressed the following concerns about Family Court:

1. Why is information about the Court's operation not known to most clients?

She is not sure this is an accurate statement; but for purposes of answering that statement, she assumed that this is an accurate statement. Approximately 75% of the litigants are not represented by a lawyer; 25% are represented by counsel. Of the 25%, she always assumes that they are advised of the operations and procedures of the Court, by and through, their legal counsel. Unfortunately the legal system is not designed so that it is easily navigated by those without legal training.

The legal profession is commonly referred to as the 'practice of law' and it is just that. Even with years of experience, there are nuances and procedures that are perhaps unfamiliar and/or under-utilized by the Bar. The Delaware judiciary, in particular the Family Court, has tried diligently to address the needs of the self-represented population. There is website where court rules and statutes can be reviewed and read. There are resource centers in each Family Court building to address the needs of the self-represented population. They are the only court with a resource center in each one of their courts. There is content-based information available in the centers and on the web. Court forms are available on line and they are continuing to make more court forms available on line, as that is part of the mission of the Court in making things available. They have tried to make their website and resource centers as helpful and informative as possible without getting legal advice. Unfortunately, the Court cannot tell people what to do in a case, what to file or what to present. No court is allowed to give legal advice to its litigants. First and foremost, most employees are not licensed to practice law and so, are prohibited from giving any legal advice. Secondly, to give legal advice would make the process unfair. The scale of justice would no longer be balanced; but would be tipped in favor of the person who receives the legal guidance.

2. Why is the Court website not advertised as well as it might be?

It no longer exists independently. Last January, it was combined into a judicial branch of Delaware website. The address of the Court's website is printed on their packets and can be found by typing in "Family Court State of Delaware" in an internet search engine. If there are other ways that it can be better advertised, she would welcome the suggestions.

3. Why are those dealing directly with the public not more courteous?

Customer service has been an important focus of her administration and will continue to be. The Court has had several trainings in the past calendar year that have dealt with this issue. The Court is committed to providing professional courteous service; however, if specific instances are not brought to the attention of the Court, they cannot be addressed. She encouraged anyone to bring instances to her attention. Through this year, she has received more and more input from the legislators as they've asked questions. She has dedicated more staff to the issues. It will always be an issue in a State agency and in any corporation; but it is something she is trying to work on. When making a complaint, the public should ask to speak to the supervisor and/or write to the Director of Operations. She recommends that all complaints be made in writing. She recently advised everybody in the Court that any complaint that comes to the Court, must come to her. It helps her to be more aware and will keep her apprised of any pocket of issues. Some of the types of complaints result from the public's frustrations because the staff cannot give them an answer because to do so, would be dispensing legal advice. Some of the most difficult issues they have had is when litigants are seeking legal advice. They have to say they cannot give legal advice and once they say they cannot give legal advice, it's like putting up a brick wall.

4. Are judges' credentials accessible to the public?

Currently, their Court does not place resumes of its judges and commissioners on the website. It has been a conscious decision not to place the judges resumes on the website. Family courts, nationally, run the greatest security risks and the more information that is easily accessible, the greater concern there is. There are security reasons. There is a fine balance between security and information. Judges must have 5 years experience at the bar, most have significant experience in family law, and they must apply to a Judicial Nominating Commission. The Commission then qualifies a certain number of people (usually a minimum of 3). They are then recommended to the Governor; the Governor then chooses a candidate. They are then confirmed by the Senate. It is quite an arduous process. We are known in Delaware as having a strong judiciary. Senator Sorenson added that she serves on the Executive Committee in the Senate. When a judge is nominated, she almost always receives a jolt of phone calls on judicial appointments from all over the State. Judge Kuhn added that she has had an opportunity to go the Judicial College to speak with other judges nationally. Delaware really does have a very strong system of appointments. It's arduous; it's not a popularity contest. Judges and

commissioners go through the same process. Judges are appointed for 12 years; commissioners are appointed for 4 years.

Senator Sorenson added that she is involved with several national organizations. Folks tell her from other states that they think Delaware has a better system; i.e. appointed vs. elected judges. Judge Kuhn stated that clearly the states that have elected judges are very jealous of Delaware because Delaware's judges are appointed for 12 years. It takes a while to understand why a judge is appointed for 12 years; but there really is a separation of power between the branches of government. The judiciary is supposed to be truly independent and as a judicial branch, that is the way our democracy is set up. They are appointed for 12 years for multiple reasons and one of those reasons is that it takes a good 5 years on the bench to really become a full-service judge. There is so much to learn. The State is making an investment in them. That long-term appointment is to everybody's benefit. Representative Maier asked if a judge has ever not been re-confirmed. Judge Kuhn replied that "yes" there have been. Senator Sorenson added that some judges have not been re-nominated by the Governor. Judge Kuhn added that some judges, either for personal or professional reasons, do not re-apply for a second term. It happened in the Supreme Court not that long ago, it usually does not get to the Senate floor if someone is going to be voted down. Usually, the process works itself out. In each court, there also has to be a political balance within one. It gets more complicated between the Chancery Court, the Supreme Court and Superior Court where they have to be balanced within one. It is typically done by two's so that they can keep the balance.....and it works! It takes some of the politics out of it. Democracy is not pretty; this process is not a pretty process; but the end result is a very talented judiciary.

5. Why is acquiring a court transcript so costly? Have court recorders ever been considered?

The Court contracts a transcription service to a company that provides transcripts, the cost of which is passed on to the litigants. She then explained how Family Court works: Cases are recorded on a CD, which is a fairly new process. Family Court never had court reporters. Chancery Court has court reporters, the Court of Common Pleas does not have court reporters. Court reporters are an extraordinary expense and more and more courts are going to recordings, such as Family Court, vs. having human court reporters. Eventually, human court reporters will probably be a thing of the past. The Court of Chancery has a lot of court reporters because there is a lot of money involved in those cases, plus there's the financial ability. You're usually talking about a corporation's money and a corporation paying for those things. We're not talking about individual peoples lives. This is the most cost effective way of recording their hearings. They have a FTR goal recording system now, which enables her to listen to a court hearing in her office. She can go to the CD ROM, can pull it up, and listen to area in the hearing she needs to hear. It's all digital. That's a really good thing. They can archive better; they can save things better; but it's still a cost that gets passed on to the litigants.

Senator Sorenson asked if there is any public funding for legal assistance for people who can't afford to pay for a transcript. Judge Kuhn replied that you have to appeal

to the Supreme Court that you do not have enough to pay for your transcript, and must pass certain criteria. Nicole Kennedy added that this is only in the appeal. Judge Kuhn replied that in her private practice, parties have requested a court reporter, but it was at the litigant's expense. Ellen Meyer added that she has never personally been in a court where there is a court reporter.

6. Is there a concentrated effort to acquire additional judges?

Yes. In New Castle County, they had many more cases than they have the ability to efficiently handle. There was a request in their annual budget last year for 2 additional judges; the Chief Justice concurred with that recommendation and Family Court judges in New Castle County were his first priority. The Governor has included this in her proposed budget to the Joint Finance Committee, which will be held on February 24, 2005. There are some staffing issues also.

7. How might Family Court better inform the public as to what is "open/closed"?

They have an Administrative Directive 98.04, which details with what cases are "open" and what are "closed". It is available on the website. They recognize that this is not the most user-friendly tool. In light of this, she has asked the Director of Legal Services, Leann Summa, to work with Nikki Kennedy, to draft a user-friendly document for litigants that will identify more clearly which cases are open and which are closed, and provide an outline of statutory authority for that. In addition, the Court is working on a "frequently asked questions document" to address this issue. This issue is commanding substantial attention. Some of the areas to be addressed may not be readily apparent to this issue, which include (1) security (New Castle County Courthouse has a secure building; however, neither Kent, nor Sussex Courthouses are presumptively not secure buildings). There are prisoners who are walked through the hallways right near the litigants; the court rooms are not large enough. They are not secure buildings. How do they keep security and be open to the public is one issue. (2) Sequestration of Witnesses: Even with an open court, witnesses would be sequestered. Some proponents of an open court mistakenly believe it will be resolved. If she is conducting a trial and an individual wants someone to sit in with them and that individual will be testifying in the case, she will not allow them to be in the court room during the remainder of the case. They will only come in for their testimony and will be escorted out. (3) Personal and Confidential Information: This causes her the greatest concern. Bank account information, stock information, credit card information, social security numbers are all in every divorce file that they have. If they go to a presumptively 'open court', it will that mean that their files are presumptively 'open'. She does not know how you can have a presumptively 'open court' without the files open to the public. She does not know how you do that because the bulk of the information is in there. She does not have an opinion as to what is right. It is not her decision. It is the decision of the policy makers, which is the legislature to determine when a Family Court is to be presumptively 'open' or presumptively 'closed'. Many of their hearings are already open. It's the civil matters, the divorce matters, that are raising the greatest attention about should it be 'open' or should it be 'closed'. There is a public interest in having matters open and a public interest in having matters closed. These are private parties, private lives. Is it right to open that up?

It is right to keep that closed? She is more concerned with protecting the children. She honestly does not know the right answer. Judge Bennett asked what do you do now when the public walks off the streets into one of the courts and says they want to sit on this, "this is my right". What do you say? Judge Kuhn replied that it is a juvenile felony matter, they can walk in the court room because it is presumptively open by statute. If it is a private case, I will ask the litigants if they object to someone sitting on their hearing. If they don't object, she allows it to happen. If they object, she does not allow it to happen. What she does in her court room is not necessarily going to be the same answer as 15 other judges. It should be consistent in terms of the law.

Representative Maier has had constituents ask to have a jury instead of a judge in custody case. They feel judges sometimes have isolated themselves and don't have as much empathy possibly as a jury. Judge Kuhn replied that in some cases, they do have jury trials. Judge Walls added that a few states do have jury trials; but the majority of them do not. In Delaware, we do not have a jury trial because the law doesn't allow it. Representative Maier inquired if it could be changed if the consensus is that it is a good idea. Judge Kuhn replied that she has not done any research on it, but it is an option. Judge Kuhn added that jury trials, nationally, are diminishing and the size of juries is diminishing. She believes that the costs and expense with these budgets is another factor. Chancery Court is a court of equity; Family Court is a court of equity. Both courts do not have juries. The judges and commissioners in Family Court are experts. Training is a significant issue. They learn about custody cases, domestic violence, geographic issues with people living out of state. They try to stay ahead of the law and being experts in interviewing children. If she were a litigant, she would be afraid to lose that.

Representative Maier asked about education. Judge Kuhn stated that is was one of her focuses because it is what the judges and commissioners requested when she was appointed Chief Judge.

8. What might be initiated to combat serious false allegations?

Judge Kuhn believes that it relates to those individuals who make allegations either in court or in pleadings that are not founded. She does not believe there is an effective way to prevent this from occurring. First, there may be an instance where individuals have a good faith basis to make such allegations which may turn out to be untrue. In this circumstance, we would not want to do something that would have a chilling effect on those individuals alerting people to what they believe to be occurring. Perhaps what this question is really referring to are those individuals who make serious allegations, knowing that they not true. In those circumstances, the Attorney General's office may prosecute for perjury if the elements of the offense can be proven. She referred just one case for perjury that actually was prosecuted. The burden for perjury is very high. James Morning sees a lot of PFA's(Protection from Abuse). You get child abuse charges when they know nothing is taking place. This child is left in limbo. He related to a case in New Castle County where 2 little girls' father was arrested for domestic violence against the mother and a younger child. It turned out that this wasn't true. Nothing happened to that individual who brought the allegations. Judge Kuhn replied that

she cannot speak to a particular case. The system will never be perfect. Before, the State of Delaware, was one of the last states to effectively address domestic violence. We are now one of the leading states to address domestic violence issues. In looking at the court system, whether it be domestic violence, child abuse, termination of parental rights, she believes there is a pendulum (a political pendulum nationally, too). There was a pendulum where we didn't address domestic violence in Delaware; then we had the first PFA statute; then it was here, then it was modified because it was felt that you have to show "continuing abuse" for a PFA. The pendulum of all these issues will always be there. We will never be able to protect every child in the State of Delaware, we never be able to protect an individual from having false allegations against them. It is going to happen and there will always be stories. What we have to try to do is protect every child to the best of our ability and work really hard to make sure situations like that don't happen. When it does happen, we clean up those cases quickly. She has observed cases that take two years to sort out.

Mr. Morning stated that years ago, Child Protective Services would investigate allegations, found out they were false, and nothing was ever done to correct that. We have a law that police use for making false claims. We don't have to write a new law. Why can't we use that same law? Judge Kuhn stated that she does not have jurisdiction over the police. She is not a prosecutor; she applies the laws. She suggested that the Superintendent of the State Police or the President of the Council of Police Chief's be apprised of this issue. Senator Sorenson announced there were 2 different trainings at which time the Domestic Violence Training Council provided training for law enforcement officers. Most of the topic was "how you determine who the victim is and who the aggressor is". Sometimes, it's not easy to tell if you are arresting the correct person or if there is fault on both sides. They do receive ongoing training on this issue. Dr. Ainbinder agreed that we will never know what's going on 100% in people's homes. The issue rises with physical violence, often sexual abuse where it's become a technique of the divorce process. The issues are: (1) the speed of some kind of resolution so that the parent is not separated from the child and (2) some kind of penalty for a clear false allegation, i.e. if after 2 years this was brought up, that there would be some kind of penalty where it would work its way back for people to, at least, think twice. Judge Kuhn agreed that there is a penalty but, is it used? She suggested that you put a small group of people in a room and of those people, she recommended that you put Commissioner Mayo in that room, who does the Child Abuse Registry, Dr. Ainbinder, a psychologist, or someone who is involved from the child's "psychi" point of view, the doctor at A.I. duPont Hospital for children, who is the sexual abuse expert in the State of Delaware, and someone from the Office of Child Advocate. It has gotten better since Delaware has a Child Advocate. There are many more resources today than ever before. As a community, we are collaborating better and talking better. She thinks it is worth having a small group of people sit in a room and say "how can we do this even better?" They have set up some protocols as how to conduct child interviews. Although she doesn't mind doing child interviews, she is not sure that in every case that is going to be the answer to the case.

9. What might be done to excuse teachers from actual court appearance?

Parties to a case have a right to call witnesses to prove or defend a court action. Parties have a right to confront their accusers. There are legal processes to have a subpoena quashed in appropriate circumstances. The attorney for the school, or a teacher, would be able to assist in that regard. The Court is sympathetic to the hardships the testimony may cause witnesses in certain circumstances and upon proper application of the court and with judicial discretion, the witness may be allowed to testify by telephone. During the school year where juveniles are arrested for a crime, those cases are done Wednesday afternoons in New Castle County and specific days in Kent and Sussex so that the court administrators know when their teachers need to be out of work to testify. They have an on-call procedure. They have the same issues with the visitation centers and are trying to work through these issues. Senator Sorenson stated that the issue is a teacher who is to give only a 10-minute testimonial has to wait around all day to be called to testify. Judge Kuhn added that this is a part of the court process. If she were a school principal, she would hope that the teacher would contact her. Judge Kuhn recommended going to their own lawyers. There are ways to get certain things. She could not make that decision here. She would hope that the schools would have a process and procedure where they would call somebody within their system to help them out. She would be more than happy to work with any of the schools to try to help them come up with appropriate processes. With the police, they have a pager system so that they do not have to sit for several hours. She will work with anybody. If someone would bring that to her attention, preferably in writing, she would be more than happy to address it. Judge Walls reiterated that you will find that the court will work with teachers, doctors and police officers; but, unfortunately, they do not know they are involved until it is way too late because the judges do not subpoena them. There are different alternatives the court could use; unfortunately, the judges do not know about it until, basically, the hearing is over. Judge Kuhn added that the judges are never out front where they would recognize them and secondly, the judges secretaries wouldn't even pass that on to the judge because it is considered an ex parte communication. Mr. Bennett does not feel teachers should be given any special dispensation. It's their profession, just like any other witness. They should not be excused. Judge Kuhn is looking at scheduling cases in a better way so that people are not waiting hours and hours. When you have high volumes and you have to move people through, sometimes staggering doesn't work. There's a difference is "excusing" and "being on call".

10. How can the Court be contacted when an emergency occurs enroute to a hearing?

This is a really "fuzzy" area. Judge Kuhn stated that the Court will not continue a case, or will not postpone a case, without a proper motion. It must have proper documentation or if someone is admitted to the hospital, they have proper documentation. She does not know a judge who will not go back and reopen that case. She will fully back any judge who dismissed a hearing or didn't accept testimony and moved on because they have a duty to keep their dockets moving. It has to be done in the proper way. Dr. Ainbinder stated that the reason this issue came about was because a person who on his way to the court room, was in a auto accident, wound up in the hospital and could not get through to the court to even say that he was in the emergency room and he got "slammed". An emergency to

her means that something happens that you don't expect, and you don't have time to file the motion. Judge Kuhn replied that after someone has been "slammed", a motion needs to be filed with the court to reopen, with the emergency room paper attached. She does not know a judge who, without documentation, wouldn't reopen a case because they all know if that case goes up on appeal, they might very well get reversed. It is the right thing to do. One of the laws is that basically, you are supposed to have a hearing. You cannot just call and say you are not available. The people who aren't legitimately an emergency are hurting the people who are legitimately having an emergency. Dr. Bishoff stated that the usual time you spend in an emergency room is 6 hours.

Judge Kuhn then opened up the meeting for questions. Mr. Bennett questioned the amount of time it takes in rendering a decision. What is wrong? He feels the public is entitled to a speedy remedy. Judge Kuhn replied that they have a 90-report where every month every judge in the court submits to her the cases, which are over 90 days old, that are ready for decision. That report is forwarded to the Chief Justice. They are supposed to get most decisions out within 30-90 days. Mr. Bennett asked if she ever ruled from the bench. Judge Kuhn replied that New Castle County judges are currently scheduling in December. Scheduling is an art. You are better to schedule far out and then get the decision out in a timely manner. Family Court is so over-burdened, they cannot keep up. They do answer to a higher calling, i.e. the Supreme Court. Ms. Meyer noted that 2 more judges have been requested for very good reasons. The case loads that the judges are carrying are enormous. She is amazed at how efficient they are in light of the amount of cases they are carrying. It is incredible. Judge Kuhn replied that there is an issue about over-stepping her bounds as the Chief Judge; but she will ask a judge about it. Mr. Bennett noted that people's lives are being held in the balance. Sometimes people can't eat because somebody won't make a decision about a property division.

He then addressed frivolous motions. Do you recommend that this happen? Judge Kuhn replied that every judge will make their own independent decision on this. There are some judges who have said that no more motions will be allowed. A decision is very important thing, esp. in custody cases. Judge Walls added that judges have to be proactive----they have to control the cases. Every judge's personality is different in how they handle it. It is all part of their training or their personality or their skill. He has found out that judges who come from private practice handling wills, divorces, real estate, etc., are actually moving the cases quicker through the system because that's what they have done their whole life, esp. before they came on the bench. He, personally, tries to render a decision within 30 days. Sometimes it goes longer, but if it does, he tries to call their lawyer to inform them that it will be longer than the initial 30 days. Sometimes you can rule from the bench. You have to prioritize your cases. Nicole Kennedy added that sometimes the litigant thought they were finished and actually, they weren't. There were still motions out there that they weren't aware of. Unfortunately, the judge cannot make a decision until the necessary motions or briefs have been filed. Judge Walls added that if so many motions were not being filed, decisions could be made quicker.

Mr. Morning gave credit to Domestic Violence Commission. Most people in domestic violence situations appreciate when a female police officer shows up. They feel more comfortable with her. He noted that the fee structure for terminating child support is \$50. There is a conflict of rules in Section 2204, Division of Child Support Enforcement. The

courts tell them that they have to pay to terminate. The Division of Child Support Enforcement should be doing that. Judge Kuhn assigned this task to Nicole Kennedy, who will have a report of her findings available for the next meeting.

Dr. Ainbinder stated that as a whole, the Court needs to present itself as open and informative to the general public as possible. Somewhere in that process, there is a glitch. Some people do not know how the court operates (they are not litigants; they are not angry about anything; they are just unaware). If they become litigants, that lack of awareness begins to act. She found the process of selecting and choosing judges very informative. Why can't there be a description of how Family Court judges become judges (not as individuals; how the procedure works)? She suggested that general credentials of a judge be provided online. Judge Kuhn felt this was a great idea and that information will be provided. They are working on, or have already provided, information on-line on "obtaining a divorce" and "custody". Representative Maier noted that those without computers should have this information provided to them in a brochure. Ms. Kennedy stated that this is readily available in the resource centers. She will provide this information at the next meeting.

Judge Kuhn addressed training: A fundamental mission of her tenure is providing training for judges, commissioners, administrative teams and support staff. She has made a conscious effort to say that Family Court needs training. Last year, 5 judges attended a national conference; 4 commissioners attended conferences; a retreat was held for Family Court commissioners, and a day-long conference was held. Judge Walls added that since they are all members of the Delaware bar, they are required, by law, every 2 years, to obtain 30 hours continuing education in the specialty of their own court. The training is invaluable.

Mr. Bennett inquired about the hierarchy of Family Court. Judge Kuhn replied that there are judges and commissioners, who are the judicial officers of the court. Commissioners are all lawyers. Commissioners' decisions can be appealed to a judge in Family Court; all Family Court judges' decisions are appealed to the Supreme Court of Delaware, except for the adult misdemeanor domestic violence cases because of the right to a jury trial. Those cases are transferred to the Superior Court.

Mr. Morning asked about the statute of limitations in appealing a commissioner's decision. Judge Kuhn replied that you have 10 days to appeal to a judge and 30 days to appeal to the Supreme Court. There are some things that time can be extended; but appeals cannot, unless there is court error. Mr. Morning asked about the 10-days for appealing. Judge Kuhn replied that there are all sorts of different time frames. Some judges count calendar days, some don't. It gets complicated.

Judge Kuhn addressed PFA (Protection From Abuse) training, through the Domestic Violence Coordinating Council and through the court. The PFA statutes are unique to Delaware. They have to train themselves to accurately train staff, commissioners, police officers, etc. This training will occur within the next 1-1 ½ years. It will take a lot of work.

Finally, last August, the Family court judges developed a strategic plan for 2004-2006. One mandate was that it be a one-page document concerning guiding ideals, their goals, and broad strategies. Thereafter, the Administrative team met and drafted the

court's first Operational Plan for 2005-2010, a copy of which is attached as Exhibit A. It will set forth the strategy that Family Court will employ to ensure that they produce outputs and outcomes consistent with the guiding ideals, goals and broad strategies. The Commissioners Unit met to develop a plan for implementing the strategic plan in their unit. A committee of judges, commissioners and administrative support staff has now been established to implement the plan in all areas of Family Court work. It is a big project; but a necessary project. They are working very hard to keep the good things in Family Court and to move forward on the things that need improvement. They are trying to do it in a deliberate approach. They really do have a good team in Family Court.

Update on Commission Vacancies:

Senator Sorenson announced that there are two vacancies on the Commission. Letters have been sent to the Speaker and the Senate Pro Tempore asking them to fill these vacancies. As the Commission is set up, they are the ones to who make these appointments. Mr. Bennett submitted the name of former Representative Tommy Little.

March 16 Public Hearing, Legislative Hall, 7:00 p.m.

Senator Sorenson asked if a handout would be available on what the Commission is and what it does. Nicole Kennedy stated that they would rather not use the one that is currently floating around. Katherine Jester reported that a former member wrote a summary of "What the Purpose of the Family Law Commission is". Senator Sorenson requested a copy of this summary. Mrs. Jester stated that most people attend the hearing and feel that the Commission is going to resolve everything for them; however, there are certain mandates governed by the legislation that they don't understand. Senator Sorenson inquired about the ground rules for the hearing. Mrs. Jester replied that they are announced at the beginning of the hearing.

April Meeting:

Senator Sorenson announced that at the April meeting, Lynn Shreve, CASA coordinator, would submit a presentation 9:30-10:30 and Nancy Pearson, Rehabilitative Programs, would submit a presentation 10:40-11:40.

Pending Legislation:

Senator Sorenson announced that there would be legislation on a constitutional amendment to ban gay marriage. By the April meeting, there should be a good sense of proposed legislation.

Mr. Morning suggested that notice of the meeting be advertised in the newspaper. Representative Maier suggested a press release. Mrs. Jester added that through the years, the Family Law Commission does not get much publicity unless there is an issue of importance. Representative Maier requested that a tri-fold be made available for the hearing.

Vouchers: no discussion

Adjournment: There being no further business to come before the Commission, the meeting adjourned at 11:15 a.m. to allow comment from the public.

The following are comments/discussion from the public:

Robert VanPelt – thanked the Commission for holding these meetings. What is being done by this Commission is worth the effort.

Karen Hartly-Nagle – stated that 70% of those who report sexual abuse of their child lose custody (a national statistic by the American Judges Assoc.), with 2% being false allegations (according to the American Conciliation Courts). This is a huge gap. Ellen Meyer stated that she had never heard of the American Judges Assoc. The highest statistics that she has heard for false allegations is 7%-8%. This shows that most allegations are founded. Some of this is perception, i.e. someone may see things and truly believe in his/her viewpoint; but they're not actually the fact. That doesn't rise to a false allegation because they're not doing it intentionally. There is a gray area where an allegation may be made that actually is not true; but according to that person's perception, it is true. Dr. Ainsbinder needs to see the statistics. She is required by law to report an allegation. She felt that 70% is high. Senator Sorenson stated that an allegation can be founded or unfounded. It doesn't mean that it didn't happen; it just means that there isn't enough evidence.

Raetta McCall – appreciates hearing from Judge Kuhn. There is a computer in place. She has researched the different states. If Delaware has the ability to burn CD's, they should be able to give the litigants, or their attorneys, copies of the hearings. She felt there is a need to have a general description of the competency and job description of family court judges put on the website.

A discussion ensued on obtaining the transcripts, costs involved, etc. Judge Walls added that in all fairness to the system, it's a new procedure. It has only been in existence the past 2 years. There are some "bugs" in it. It is not necessarily just Family Court. It will be brought to all the courts. Those courts are paying for court stenographers. It still costs for those transcripts. They are all new in this procedure and are just now hearing the first wave of feedback.

Respectively submitted,

Janice S. Yerkes
Recording Secretary

EXHIBIT A

***** STRATEGIC PLAN *** FAMILY COURT OF THE STATE OF DELAWARE**

WE, THE JUDGES OF THE FAMILY COURT OF THE STATE OF DELAWARE, this 12th day of August, 2004, in furtherance of the Family Court's legislative mandate to best serve the interests of the citizens, families, and children of the State of Delaware, and all other individuals who appear before us, do hereby set forth the Court's guiding ideals, goals, and strategies.

GUIDING IDEALS

The Family Court of the State of Delaware – its judicial officers and staff - is committed to securing meaningful access to justice for those who come before the Family Court; to striving for safety, permanency, and rehabilitation of our children; to protecting the peace and safety of the public; to resolving disputes impartially and fairly; to demanding respect, intellectual honesty, integrity, and accountability from ourselves as well as from those we serve; to responding to the social changes and innovative ideas of the future; to giving due deference to legal precedents of the past; and, ultimately, to enhancing the quality of life of the citizens, children and families of the State of Delaware.

GOALS

- Safety and security
- Timely and expeditious hearings and case processing
- Institutional competence (fully trained and engaged judicial officers and staff)
- Conflict resolution in the least adversarial manner
- Comity in governmental relations
- Balanced court workload

BROAD STRATEGIES

- Effective judicial governance
- Continuous learning (training and education)
- Innovation
- Alternate dispute resolution (ADR)
- Good working relationships with other branches of government and justice system partners
- Community outreach