



Delaware Family Law Commission Annual Report 2008

The Family Law Commission, which was established on June 14, 1984, to study and evaluate the domestic relations laws of the State of Delaware as well as to study and evaluate the rules and procedures of the Family Court of the State of Delaware. The Chair of the Commission is Senator Liane Sorenson and the FLC meets once a month when the legislature is in session. This year's meetings were held on January 15th, January 24th, March 20th, April 17th, May 15th, and June 19th.

Members of the Delaware Family Law Commission

The Honorable Liane Sorenson, Family Law Commission Chair.

Senator Bruce Ennis
Representative Teresa Schooley
Dr. Harriett Ainbinder
Mr. Curtis Bounds, Esquire
Prof. Dana Harrington-Conner
Mr. Harry Gordon, Jr.
Mrs. Lynn M.A. Kokjohn
Representative Pam Maier
Dr. Diana Metzger

Mr. James Morning
Dr. Julia Pillsbury, D.O.
Mrs. Allene Poore
Peg Smith
Representative Robert Valihura
The Honorable William J. Walls, Jr.
Jody J. Huber, Esquire c/o Family Court
Mrs. Katherine M. Jester
Jean C. Ardis, Secretary

2008 Meetings of the Family Law Commission

Tuesday, January 15, 2009. Senator Sorenson convened the annual Public Hearing from which to draw the year's discussion topics. Some of the main points raised in testimony from the meeting were:

- An open/transparent Family Court.
- False Allegations in child abuse.
- Child Support Enforcement, child support payments.
- Qualifications and practices of child custody evaluators.
- High cost of Attorney Fees.

These topics then became the focus of the 2008 year for the Family Law Commission.

Thursday, January 24th, 2008, the Family Law Commission began the meeting discussing the recent public hearing. Regarding the Open/Closed Court issue, it was suggested that the better way to do it was have the cases be presumed open unless a request was filed to have them closed. Dana Harrington-Connor said that even the Judge can make a determination that the hearing should be closed. Senator Sorenson noted that many people in the last two public hearings have brought up concerns related to child custody evaluators and she asked Dr. Harriet Ainbinder to give a report on her work on the issue. Dr. Ainbinder said that the Psychology and the Law Commission has written guidelines on what people can expect from a Child Custody Evaluator. She then introduced Dr. Steve Eichel, who is in charge of the Psychology and Law Commission. Dr. Eichel said that there is not a registry of custody evaluators but that legislation to have a voluntary registry of psychologists would be a good idea. In response to an issue from the Public Hearing, Dr. Ainbinder made it clear that the Family Law Commission and the Delaware Psychological Association do not have the power to act against any psychologists. If people have complaints about a psychologist they need take them to the Division of Professional Regulation. If the Division finds cause the case will go before the Board of Examiners of Psychologists to be reviewed.

Thursday, March 20th, 2008, the Family Law Commission met in Legislative Hall to discuss the January hearing and a list of concerns presented by Drew Slater, Assistant to the Commission.

Thursday, April 17th 2008, Guest Speakers were Chuck Hayward, Director of Child Support Enforcement; Beau Biden, Attorney General; and Pat Daly Lewis, Deputy Attorney General. Senator Ennis talked about his new piece of legislation which deals with “false paternity.” Mr. Roger Hall spoke and talked about his extremely difficult and upsetting personal experience with issues regarding false paternity and identifying the father for medical records. Pat Daly Lewis said that the U.S. Supreme Court has already addressed this issue and that the reason a two year window was put in place was that the Justices thought that this was the appropriate time window where people could address paternity while minimizing trauma to the child. This sparked a great debate and many questions. Senator Ennis said that the Uniform Parentage Act could be amended and his bill would address a child for whom you have been ordered to pay child support. He said that this is a procedure that many states have adopted and it has to go through the court process and then based on the evidence it would be granted or not granted. Chuck Hayward spoke and said that Delaware’s collection of child support payments is 60.5%, which is just above the national average. Attorney General Biden spoke a new division he created with Ms. Daly-Lewis as the head, called the Family Division in the Delaware Department of Justice.

Thursday, May 15th 2008, Jody Huber, head of the pro se center in Family Court, was the speaker for this meeting. She mentioned that pro se litigants in Family Court make up about 75% to 80% of their population. She brought with her instructional booklets available in Family Court that can help pro se litigants with the forms they need to file. She said that there are as many as 500 forms and that the booklets are there to help the litigants find the right forms to fill out, many of which can be filled out online.

Thursday, June 19th, 2008, the Family Law Commission met for the last time for the Legislative session. Dana Sawyer, the Administrator of the Delaware Children's Department Office of Prevention and Early Intervention, and Chief Judge Chandlee Johnson Kuhn, Chief Judge of Family Court, were the speakers. One of Ms. Sawyer's goals is to help minimize the harmful effects on children whose parents are divorcing or separated. In regards to gender data she said they noticed more females are petitioners in custody and visitation matters and more males are respondents. She also said that more females are seeking custody and more males are seeking visitation. Ms. Sawyer said that the Separating and Divorce Parent Education for the State has been very beneficial to many parents and most believe it is a very positive experience. Chief Judge Kuhn addressed the Pro Se Resource Center and said that in 2007 they were able to serve over 50,000 litigants. She also mentioned packets to help litigants better present their case to Family Court. The Chief Judge also mentioned that they were able to obtain 3 audio monitors in New Castle County, which has resulted in better recordings. Raetta McCall brought up the situation of a child needing to go to a doctor and the parents not agreeing. The Chief Judge said that the CASA program is truly for children from the Division of Family Services since it is nationally funded with a national grant.

Legislation Pertaining to Family Court.

At each regular meeting of the FLC members discussed pending legislation related to Family Court. The following bills were endorsed by the Family Law Commission:

HB 183 (relates to state law enforcement agency authority to take firearms from respondents shown to have threatened or used a firearm against a petitioner.)

HB 294 (relates to shared custody with servicemen and women.)

Please note: For a full list of Legislation from this past year please contact Drew Slater, 302-744-4039.