

**Family Law Commission**  
Meeting Minutes  
February 9, 2012  
Senate Hearing Room

**Members Present:**

Lynn Kokjohn, Chair  
Rep. Michael Ramone, Secretary  
Judge William Walls  
Peg Smith  
Britt Davis  
Diana Metzger  
James Morning  
Rep. Stephanie Bolden

**Liaisons Present:**

Shivani Honwad, FC  
Drew Slater, Asst FLC

**Speaker:**

Ken Kelemen, FC

The Family Law Commission met on Thursday, February 9, 2012 to discuss the updates to the Family Court website/Live chat option, review the public comments from the annual public hearing and set the schedule for 2012 meetings.

**Call to Order:**

The meeting was called to order at 9:38am.  
Introductions were made and meeting procedures reviewed

**1. Approval of Minutes**

Motion by Judge Walls, Second by Dr. Metzger to approve the June 2011 minutes. The minutes were approved unanimously with no abstentions.

Motion by Rep. Bolden, Second by Rep. Ramone to approve the January 2012 public hearing minutes. The minutes were approved unanimously with no abstentions.

**2. Speaker, Ken Kelemen from Family Court**

Mr. Kelemen spoke about the updates to the Family Court website and the live chat feature to help those looking for information during working hours.

Mr. Kelemen said that he wants to make sure that pro se litigants know the process and have the correct paperwork to file motions. Mr. Kelemen mentioned that he was a little ambitious when he mentioned that he was hopeful that everything would be online by the beginning of the year. Mr. Kelemen noted that he has had to change his priorities with the changes to juvenile expungements and the dissolution of civil unions.

Regarding juvenile expungements, a commission member asked about automatic expungements and the process to allow residents to not have to file paperwork to have allowable offenses expunged from their record. Mr. Kelemen said that would be a **legislative decision**. However, the conversations would need to start with the AG's office and the multiple agencies that are involved in the expungement process. Mr. Kelemen mentioned that the need to file paperwork may be because of the many agencies that would need to be involved in an

expungement. Representative Ramone said that he would like to speak with someone in Family Court about creating an initiative to allow automatic expungements.

With Mr. Kelemen's shifting priorities, the **live chat** feature is not currently up and running on the website. However, it is running in the background and providing important data on the most common forms researched and the times that people are on the website searching for information. Mr. Kelemen said that he is currently seeing peak users at 6:00am-7:00am, lunchtime and before the end of the work day. In addition he is seeing 2,000-3,000 hits on the weekday with the number one search item being divorce. He has currently not seen large traffic when the courts are closed to promote evening hours.

Mr. Kelemen also mentioned that in the next several months he is looking to reinstitute the **call centers** again in conjunction with live chat. Mr. Kelemen said that he would like to make this statewide but needs to look at shifts in personnel to determine if that would be feasible.

Mr. Kelemen said that the family court is really pushing for customer service, which both the call centers and the live chat feature would improve. He is hopeful that he would be able to train those working at the call centers on the live chat feature so that they could run that in conjunction with the call centers.

The last item Mr. Kelemen mentioned was the Sussex County Family Courthouse. He said that he has spent a large portion of the last 6 months on the need to expand the courthouse. He said that there was an idea to have a **community justice center**, which would create a campus that would also house agencies that work with Family Court.

### **3. Annual Public Hearing discussion**

Though many issues were stated at the public hearing, there were 4 that were mentioned several times. The commission decided to pursue the following 4 topics in future meetings:

#### **a. Open Court/SCR 21 Makeup**

The commission talked about their resolution, which was released from committee in the Senate, and some of the issues that were presented during the committee hearing. There is a need for an amendment to the bill to define who is to recommend the makeup of the task force, changing of the report due date and the charge of the task force.

The second topic is open court in general but specifically advocates in the courtroom. We have heard over the last few years that advocates have, and have not, been allowed in the courtroom. The Judge has the discretion to let anyone into the courtroom and Representative Ramone mentioned that he had two such invitations but the fact that he had to be invited was brought into question by Representative Ramone. It was mentioned that perhaps the courts should be open with judicial discretion to close the court, which is what the commission would like the charge to be of the task force. Specifically, to find out if changes need to be made to the current process.

#### **b. Child Support in relation to an excess of 40 hours worked**

We heard from a public member at the public hearing in January that they work **70 hours a week and was told by two different mediators that they could use only the 40 hour workweek and not include the second job while the other mediator said that they could include the entire amount.**

It was mentioned by a commission member that things can change and the courts need to change, especially since this person is apparently making less money now. The question was raised as to whether the stay-at-home parent would need to get a job if they were a stay-at-home

parent during their marriage. The answer is ‘Yes’ they would need to provide for the children and provide a reasonable amount of time to work and care for the children.

It was suggested that we have a Commission attend and specifically address these issues. The commission thought that it would be good to invite Commissioner Southmayd and talk to him about how the formula is working and about changing the formula if you work in excess of 40 hours and are working a second job to provide for your children. Judge Walls mentioned that we should ask Commissioner Southmayd to attend the meeting but to ask him specifically to discuss overtime wages and second jobs versus a 40 hour workweek versus the other parent’s responsibility.

**c. Making DNA automatic when a child is born**

A member of the public mentioned that **DNA should be automatic when a child is born**. Dr. Metzger suggested that we have Dr. Louis Bartoshesky, who practices pediatrics and clinical genetics, come speak to the commission on this issue. Dr. Metzger also mentioned that the last time she spoke to Dr. Bartoshesky she thought that the DNA cost was about \$200, which may be prohibitive to make DNA automatic when a child is born.

**d. Domestic Violence/Family Court Policies/Procedures**

The last issue that the commission would like to focus on this year is the issue of Domestic Violence and Family Court policies/procedures. It was mentioned that with domestic violence if there is visible injury then an arrest must be made by law and that officers should be looking at all circumstances. The commission discussed the issue that a member of the public raised at the public hearing regarding **a man being able to hit another man and be charged criminally but not when he hits a woman or his wife**. Mr. Davis said that a domestic relationship, or an unknown person, **is all the same charge, the same penalty but may be a different court**.

**Adjournment**

With a motion from Representative Ramone to adjourn the meeting, seconded by Dr. Metzger the meeting adjourned at 11:20am.

Submitted by Drew Slater  
Assistant to the Family Law Commission