

Family Law Commission Meeting Minutes

March 18, 2010

9:30-11:30

Senate Hearing Room

Members Present:

Mrs. Lynn Kokjohn – Chair
Rep. Michael Barbieri
Ms. WendyJean Matlack
Mr. James Morning
Rep. Michael Ramone
Ms. Eileen Williams

Dr. Harriet Ainbinder
Sen. Bruce Ennis
Dr. Diana Metzger
Dr. Julia Pillsbury
Sen. Liane Sorenson

Honorary Member:

Mr. Harry Gordon

Others Present:

Jody Huber, Esq.
Drew Slater

The meeting was called to order at 9:35am in the Senate Hearing Room.

The first order of business was to discuss the vote that took place regarding audio/video equipment at the last meeting, Feb. 18th.

The Chair, Lynn Kokjohn, wanted to hear from those members that were not present at the last meeting and get their opinion of the matter. After dialogue between members, Mr. Gordon motioned to ban audio and video equipment from all meetings. Senator Ennis seconded the motion and the motion carried unanimously.

Representative Ramone then asked about other electronic equipment, like computers for blogging purposes. The general perception is that this equipment can be used in a threatening manner to those that are testifying during the public hearing. It was discussed and another motion was brought to the committee to ban all electronic equipment from the public hearings. This motion carried unanimously and all electronic equipment was banned.

The next item on the agenda was the approval of the minutes from the February 18th meeting. It was brought up that Ms. McCall's comments on page 4 of the meeting minutes needed to be corrected to reflect all hearings.

The next topic on the agenda was the introduction of our guest speaker, Commissioner Andrew Southmayd, who came to speak about Child Support and Paternity Fraud. He used the review of the minutes from the public hearing and provided great discussion on both issues.

Some of the key points discussed during the meeting were:

Visitation and Child Support do not work together, they are separate instances. We need to hear cases quicker and have more prompt enforcement. This may be best served by having a non-judicial intervention system (visitation monitoring, supervision centers, informal intervention). Commissioner Southmayd also mentioned that Michigan has non-judicial intervention and the Chair asked the subcommittee to review what Michigan is doing. Earlier scheduling of rule to show cause hearings. SSI vs. SSD: SSI is for living expenses and no part of that can go to a child. They are need based funds. SSD a portion can go towards a child. If they have some income besides SSI then they can include SSI. This is according to Federal law. With SSI we should see if we can get people to work vocationally, there is no way to do this except for someone to do it on their own.

One of the issues raised that needed to be further looked into was regarding the issue of dependent tax. Mr. Morning brought up the issue of what the federal government has said regarding the matter and it was determined that we need to see if there is something in Delaware to allow exemptions. Senator Ennis said that he spoke to the Division of Revenue and they stated that they would defer to the federal government. The state could sign exemptions, however, since the Division of Revenue for Delaware defers to the Federal government they are working off of federal law. This means that dependent tax will remain with the custodial parent.

The next item on the agenda was the sub-committee reports. Representative Ramone said that he asked the Legislative Fellows for some help with research and due to the snow the research has not been completed as of yet. He hopes to have a report ready for the commission at the next meeting, April 22nd.

The following item on the agenda was pending legislation. There was HB 326 in the House Economic Development/Banking committee and since the legislators had to leave early it was determined that this would be brought up at the next meeting.

Also on the new legislation, was a bill regarding PFA's and making it so that they could be enforced for two years, or in some cases, permanently. This bill will also be discussed at the next meeting as we would like to have Senator Sorenson's input on the bill as one of the bill's sponsors.

The last piece of legislation was discussed during the paternity fraud dialogue with Commissioner Southmayd. That is Senate Substitute 1 for Senate Bill 171. This bill addresses the paternity issue and is sponsored by Senator Ennis and Representative Schooley. The Family Law Commission decided to support SS1 for SB 171.

The subsequent item on the agenda was New Business. The subject was to determine what the upcoming meetings in May and June should entail, since they are open meetings to date. Dr. Ainbinder suggested that we leave these meetings open for now and address the topics at the next meeting in April. This was agreed upon by the Chair.

The Chair said that the next meeting's topic will be Child Custody and Grandparents Rights (Third-Party Visitation). The speakers for the next meeting are Judge Peter Jones of Family Court and Attorney Jill DiSciullo of New Castle County.

The Family Law Commission adjourned at 11:45am with Mr. Gordon making the motion and Senator Ennis seconding the motion.

Respectfully Submitted,

Drew Slater
Assistant