



Delaware Family Law Commission Annual Report for 2013

The Family Law Commission was established on June 14, 1984 to (1) conduct public hearings, (2) Invite written comments on family law from members of the public, (3) review and comment upon legislation affecting family law introduced in the General Assembly at the request of any member of the General Assembly, or on its own initiative and (4) disseminate information concerning family law to the public. The FLC meets in Legislative Hall once a month when the legislature is in session. This year's meetings were held on January 24, February 21, March 21, April 25, May 16, and June 6.

Members of the Delaware Family Law Commission

Lynn Kokjohn, Family Law Commission Chair

Senator Bruce C. Ennis

Senator David G. Lawson

Representative Stephanie T. Bolden

Representative Michael Ramone

Curtis Bounds, Esq.

Professor Dana Harrington-Conner

Lawrence Davis

Twain Gonzalez, L.P.C.M.H.

Dr. M. Diana Metzger

James Morning

Dr. Julia Pillsbury, D.O.

Peg Smith

Judge William J. Walls

Eileen Williams

Assistants to the Family Law Commission

Richard Carter

Megan Sokola

Executive Summary

2013 Family Law Commission

A Senate Concurrent Resolution creating a task force to study open/closed family court proceedings was passed, and the task force formed. There was prolonged discussion on the “voluntary acknowledgment of paternity” form, and how it relates to the legal rights and obligations of minors who may sign it. The Commission generally felt that the form should not be legally binding for minors who sign it without proper counsel. Mandatory DNA testing was brought up as a relevant topic, and the Commission agreed that, if funding could be made available, it would be desirable to offer this service as an option at no cost for minors under the age of 18, who may sign the VAP form.

Summary of the Minutes from the 2013 Meetings

January 24, 2013: Annual Public Hearing

The annual public hearing allows time for public input into the issues that the Family Law Commission will address throughout the following year. Major issues raised during the public commentary at this year's hearing were as follows:

- Recording public hearings
- Open versus closed Family Court proceedings
- Parental involvement
- Judicial and legislative abuse of power
- Males being treated fairly by the court

February 21, 2013: Review/Discussion of Public Hearing and Consideration of Agenda Items for Future Meetings

Major topics at this meeting:

- Discussion of reintroducing Senate Concurrent Resolution 21 from the 146th General Assembly, which is designed to create a task force to study open/closed Family Court Proceedings.
- Proposal for mandatory DNA testing of children at birth, the effects of such testing on both the child and parent, and the costs associated with the process.
- The "acknowledgment of paternity" form, which allows any minor male to give legal consent that he is the father of a child, and the question of whether a minor should have the legal right to sign such a form without the advice of a parent, guardian, or trained counselor to help him understand the legal ramifications.
- The Melson Formula used by Family Court for determining child support, which is up for review in 2014.
- The issue of recording public hearings and whether public comments should be made part of the meeting minutes.

March 21, 2013: Reintroduction of a Resolution to study Family Court, False Testimony Guests: Ellie Torres, *Family Court*; Patricia Dailey Lewis, *AG's Office*

Major issues and key points at this meeting:

- The reintroduction of what was previously SCR 21 (146th GA), which is now SCR 9 (147th GA), sponsored by Sen. Ennis and Rep. Ramone.
- The issue of false allegations made in Family Court: they do happen, and often; however this is most often done through hearsay, and cannot be proven.
- There are three categories of perjury in Delaware, and two determining factors (intentionally/knowingly).

April 25, 2013: Mandatory DNA Testing

Guests: Charles Hayward, *DHSS/DCSE*; Gwendolyn Anderson, *DHSS/DCSE*; Ted Mermigos, *DHSS/DCSE*; Patricia Dailey Lewis, *DOJ*; Dr. George Maha, *LabCorp*; Dr. Louis Bartoshesky, *Christiana Care*

Major issues and key points at this meeting:

- Member Curtis Bounds gave a presentation on the legal ramifications of mandatory DNA testing.
- Terms “presumed father” versus “alleged father” were introduced and clarified.
- Ramifications of mandatory DNA testing were discussed.

May 16, 2013: Voluntary Acknowledgment of Paternity Form

Guests: Charles Hayward, *DHSS/DCSE*; Gwendolyn Anderson, *DHSS/DCSE*; Ted Mermigos, *DHSS/DCSE*; Nichole Moxley, *DHSS/DCSE*; Brenda L. Sammons, *DOJ*

Major issues and key points at this meeting:

- The Freedom of Information Act (FOIA) and its applicability to public comment after the adjournment of FLC meetings.
- The “voluntary acknowledgment of paternity” form as it applies to minors who sign it. Important factors include the reading level to which the form is written, and if it is legally acceptable for minors to sign it.
- Whether to use DNA testing for underage parents as an alternative to the voluntary acknowledgment form.
- The time period during which the voluntary acknowledgment form can be challenged, and the circumstances for which challenges are allowed.

June 6, 2013: Voluntary Acknowledgment of Paternity Form, Consideration of Recommendations to General Assembly

Guests: Charles Hayward, *DHSS/DCSE*; Gwendolyn Anderson, *DHSS/DCSE*; Ted Mermigos, *DHSS/DCSE*; Nichole Moxley, *DHSS/DCSE*; Brenda L. Sammons, *DOJ*

Major issues and key points at this meeting:

- More discussion of the voluntary acknowledgment of paternity form: major issues being the reading level to which the form is written, and the necessity of requirements to be met prior to a minor’s signing it.
- School-based health and wellness centers/clinics’ counselors being utilized for VAP information in the case of teen pregnancy.
- Recommendations for future action include the following: further investigation into the VAP form, the Family Court webpage becoming more public-friendly, school based health and wellness centers becoming more active in teen pregnancy matters, making teens aware that DNA testing is available, and eliminating the cost to minors.