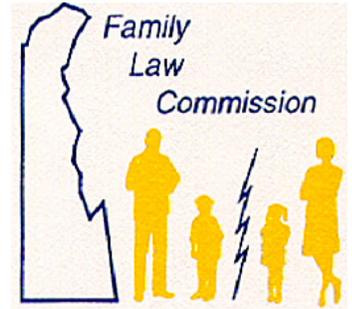


## Delaware Family Law Commission Annual Report for 2015



The Family Law Commission was established on June 14, 1984, for the following purposes: (1) to conduct public hearings; (2) to invite written comments on family law from members of the public (3) to 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) to disseminate information concerning family law to the public.

The FLC meets in Legislative Hall at least four times a year and generally more often, including several meetings when the legislature is in session. The 2015 meetings were held on January 22, March 19, April 23, May 21, October 29, and November 19.

### 2015 Members of the Delaware Family Law Commission

Curtis Bounds, Esq., Chair, Wilmington  
Lynn A. Kokjohn, Rehoboth Beach  
Senator Bruce C. Ennis, Smyrna  
Senator David G. Lawson, Marydel  
Representative Stephanie T. Bolden, Wilmington  
Representative Michael Ramone, Newark  
Professor Dana Harrington-Conner, Wilmington  
Lawrence Davis, Milford  
Dr. Twain Gonzales, L.C.P.M.H., Lewes  
Raetta McCall, Middletown  
Dr. M. Diana Metzger, M.D., Wilmington  
James Morning, Dover  
Dr. Julia Pillsbury, D.O., Dover  
Peggy Smith, Newark  
Judge William J. Walls, Delaware Family Court  
Eileen Williams, Dover

### Assistants to the Family Law Commission

Dick Carter  
Sarah Meyer

# A Summary of the Commission's work during 2015

## The January 22, 2015 Public Hearing:

The Family Law Commission is guided in its work by the concerns raised by members of the public at the commission's annual public hearing, held at Legislative Hall each January. At the January 22, 2015 public hearing, the Commission heard from 10 members of the public. The areas of concern raised were:

- Allegations of illegal removal of children from the home by court order, falsification of court documents and evidence and official misconduct.
- Allegations of retaliation by state officials in response to "sharing injustices" the witness had been subjected to in family court, an unjust court process, and a failure by the court to properly consider relevant provisions of state law.
- Allegations of improper family court proceedings while an earlier family court action was in the process of being appealed to the Delaware Supreme Court.
- Allegations of being made to suffer humiliating treatment during three days of improper incarceration.
- A request that the Family Law Commission engage state legislators to make sure "there are oversight, accountability and transparency in family court."
- Allegations that family court judges arbitrarily change orders even after an order has been signed and agreed upon.
- Allegations that state agencies that operate closely with family court "retaliate against citizens, typically men."
- Several speakers raised complaints about alleged false statements and false allegations of child sexual abuse and other offenses made in conjunction with Protection from Abuse (PFA) filings, and said that state laws against them should be strengthened.
- A speaker said that even though perjury and false allegations are violations of Delaware law, he is not aware of anyone having been prosecuted for such offenses. He spoke to the difficulty and expense of clearing one's name after false allegations have been made. He also voiced support for the opening of all family court proceedings.
- A speaker said that he has been told by legislators, police and others that the state does not want to prosecute women for making false allegations in connection with PFA filings because they do not want to "deter other women from coming forward." This speaker alleged that the present system is "dysfunctional" and contended that the state acts as it does "to maximize federal funding." He expressed the view that as long as there are significant numbers of women coming in, seeking PFAs, even when they do so with false allegations, this enables state agencies and private, non-profit organizations to obtain more federal grant funding.
- A speaker said that he would like to see the FLC do a comprehensive review of existing laws and procedures governing family court. He advocated a change in state laws dealing with child custody, or a lack thereof, for convicted sex offenders. He called for more effective evaluations and counseling for alleged sex offenders, who, he contends, were in some cases convicted on the basis of false evidence and are then barred from obtaining custody of their children.
- A speaker complained that he is not able to protect himself from false allegations made by his wife without obtaining legal services and that he cannot afford to do so.
- A speaker addressed what he felt was the inordinate amount of time it has taken the family court since his 2008 divorce to resolve his and his ex-wife's property settlement. He alleged that his ex-wife has been placing obstacles in the path of resolving the financial settlement. He advocated a system in which property settlements are resolved before divorces become final. He feels that reforming the manner in which the courts oversee the sale of real property connected with divorce is an important issue that should be addressed in order to allow people to have closure.

- A speaker addressed what she considers inequities and shortcomings in the present child support formula. She said that children's needs change as they get older; yet, she said, the Melson Formula governing child support does not contain any provisions for changes based on the child's changing life circumstances. She also complained about the operation of the Division of Child Support Enforcement, whose officials, she alleged, were not willing to discuss her issues with her.
  - A speaker described the operation of the family court system in Connecticut, which he believes is far superior to Delaware's system. He urged the FLC to familiarize itself with the Connecticut system and advocated more openness and efficiency in the Delaware system.
  - A letter was also read into the record of the hearing from a resident of Wilmington, who is requesting the establishment of a panel to review and update Delaware divorce laws, which he believes are outdated and unfairly favor one party over another. He is specifically interested in the fairness of present system for the equitable distribution of property, the use of the Melson Formula for child support, and the child support process in general.
- 

## A Summary of the Commission's 2015 Meetings

### March 19, 2015: Presentation by Chief Judge Chandlee Johnson Kuhn of Family Court

Judge Chandlee Johnson Kuhn, then Chief Judge of Family Court, made a detailed presentation about the Court: Among the points raised by Judge Kuhn were the court's School Pathways project, its Education Demonstration project and Equal Access to Justice. She spoke about the court's new call centers now operating in New Castle and Sussex Counties and soon to be expanded into Kent.

Judge Kuhn spoke at some length about the inadequacy of both the Kent and Sussex County facilities and the need for new structures in both counties. She invited the commission to visit the Kent County Family Court building and see at first hand the challenges raised by the present facilities. She noted that the U.S. Marshall's office did a report on security concerns in both the Kent and Sussex buildings and found serious deficiencies with both. She commended the Delaware Capital Police for what she called "the incredible job they have done" in deploying police officers, particularly since the February, 2013, shootings at the New Castle County Courthouse in Wilmington.

She spoke of the court's partners in their effort to improve operations, including the Dept. of Services for Children, Youth and Their Families, the Accountability Commission, the Domestic Violence Coordinating Council, and the Office of the Child Advocate. She mentioned the Family Court Enhancement Project and said that Delaware is one of four states nationally chosen to participate in this endeavor.

Judge Kuhn also spoke of the state's participation in the Casey Family Programs, which are designed to reduce the need for children to enter into foster care. She also highlighted partnerships the court is building with several school districts around the state.

Judge Kuhn's presentation was followed by conversation between the judge and committee members about a number of the points raised, including the problems with present court facilities, educational outcomes for youth in foster care and other matters.

There was also a discussion of proposed legislation now being prepared by Senator Ennis as a follow-up to the work of the 2013-2014 Family Court Blue Ribbon Task Force on opening court proceedings to the public. The original legislation introduced in 2014 did not pass both houses before the end of the 147th General Assembly and a new version is being prepared. It was requested that copies of the old and new bills be circulated to commission members so that they could be reviewed and discussed at the April meeting of the Family Law Commission.

Chairman Bounds circulated copies of an op-ed piece by Attorney General Matt Denn that appeared in the News-Journal on the subject of what he feels are needed reforms on the way in which the cases of juvenile offenders are

adjudicated. The attorney general will be invited to attend a future commission meeting to discuss his views.

Mr. Morning mentioned his strong belief in the need for changes to make it easier for DNA testing to be done to establish paternity among underage individuals who are alleged to have fathered children, and about the process of voluntary acknowledgment of paternity by underage persons. Judge Kuhn said that these concerns “have not fallen on deaf ears” and that judges can now order DNA testing to be done. She spoke about the issue of incarcerated individuals who have child support obligations.

There was also discussion about the subject of false allegations, particularly by those seeking Protection from Abuse orders (PFAs).

Topics for Future Meetings:

The commission also discussed possible topics for upcoming meetings during 2015. These include:

- The handling of Juvenile delinquency cases
- The handling of property settlements in a more timely manner in divorce cases, and the related question of expanding the Family Court’s equity powers to correct errors
- False allegations

---

April 23, 2015:

***Discussion of Draft Family Court Legislation:*** Senator Bruce Ennis made a presentation about his draft legislation relating to public access to Family Court Proceedings. He discussed the similarities and differences between the new legislation and that which was introduced in the spring of 2014 and passed the Senate but failed to pass the House of Representatives before the end of the 147th General Assembly. Commission members discussed the legislation and Judge William Walls presented concerns expressed by Judge Michael Newell, a member of the former Family Court Task Force, the findings of which prompted the legislation. He expressed concerns that wording in the draft legislation referencing court records might inadvertently lead to the disclosure of personal financial records of various parties to court proceedings. There was a discussion of removing phrases pertaining to court records in lines 4 and 16 of the draft legislation.

Mr. Bounds recommended the drafting of separate legislation adding a new paragraph to the existing statute that would more clearly define the meaning of “privacy of records” as opposed to “confidentiality of records,” and would define the precise meaning of “privacy of records.” He noted that his interpretation of “open court” has nothing to do with whether records are public or private, but that there are others who feel exactly the opposite. He noted that the draft legislation does not provide judges or attorneys any guidance as to the presumption of private or public records.

Senator Ennis agreed that the legislation suggested by Mr. Bounds would need to be a new bill because it would mean going beyond the purview of the Family Court Task Force.

***Discussion of Topics Raised at the January Public Hearing:***

***The Use and Possible Misuse of the “Protection from Abuse” Process***

The commission discussed the topics raised by speakers at the January 22, 2015 Public Hearing. Senator Lawson noted several comments by speakers on the subject of perjury and false allegations made in connection with “Protection From Abuse” (PFA) proceedings and the state’s failure to pursue charges in such instances. He said that he had drafted legislation to address the problem and circulated copies of his draft legislation to members. He also circulated copies of a letter he had written on the subject to Attorney General Matt Denn, asking Mr. Denn to take a more proactive approach in perjury prosecutions.

Mr. Bounds suggested that there needs to be a dialogue as to what constitutes lying in court proceedings. Rep. Ramone said that there should be a law enacted to apply in cases where people are “true abusers” and for repeat violators.

Judge Walls said that it would also be necessary to have a clear-cut and concrete mechanism that would get such cases into the hands of the Attorney General for review. He noted that the Court can refer matters to the Attorney General, but the actual determination as to whether or not to prosecute such cases must come from the Attorney General's Office.

Ms. McCall noted that the issuance of a Protection From Abuse order is often the simplest way to deal quickly with complex family situations, often involving such considerations as alcohol abuse and mental illness.

Senator Lawson expressed the view that the PFA process circumvents the police investigative process. He said the PFA has become a "catch-all" and is being over-used.

Mr. Bounds noted that Delaware has one of the most broad-ranging definitions of what constitutes abuse.

It was agreed that the issuance of a PFA is often seen as a quicker way to resolve family problems.

The discussion also touched on the possible need for "Contempt of Court" proceedings or "Rule to Show Cause" proceedings.

Ms. Smith asked if it would be possible to look at how to define the need for PFAs and how to determine when they are not being used correctly.

#### ***Voluntary Acknowledgment of Paternity forms and DNA Testing:***

Mr. Morning raised his concerns about minors being allowed to sign "Voluntary Acknowledgment of Paternity" forms. Rep. Ramone noted earlier discussion on that subject and the related one of mandatory DNA testing and said that the conclusion was that science and technology would resolve the matter sooner rather than later, as the cost of testing comes down.

#### ***The Albanese Decision and Community Property:***

There was a brief discussion of the Albanese Decision, which was made a number of years ago and deals with the question of whether or not a marital asset acquired prior to marriage, but added to during the marriage through the work of both parties, if perhaps not by the financial investment of both parties, can be considered as community property.

*(Albanese v. Albanese, 1996 WL 69824 [Del. Feb. 8, 1996]. The Albanese formula requires the trial court to: (i) fix the ratio of the non-marital interest to the total non-marital and marital investment; (ii) subject the marital portion to equitable distribution; and (iii) in making the equitable distribution, determine the monetary and nonmonetary contributions of each spouse, and the effort expended by each spouse in accumulating the marital property.)*

May 21, 2015:

#### ***Discussion of Draft Family Court Legislation:***

Senator David Lawson discussed the details of his legislation, Senate Bill 99, regarding the problem of persons making false allegations of violations against those who are under "Protection from Abuse" orders. Senator Lawson noted that this legislation will, if enacted, give police more latitude to investigate alleged violations of PFA orders. The senator expressed the view that allegations of PFA orders are being used by some persons to achieve advantage in custody cases.

Rep. Ramone expressed the view that technological advances are making it easier to dispose of malicious allegations.

There was also a discussion of Senator Bruce Ennis's legislation, Senate Bill 119, AN ACT TO AMEND TITLES 10, 13 AND 16 OF THE DELAWARE CODE RELATING TO PUBLIC ACCESS TO FAMILY COURT PROCEEDINGS and possible amendments to it. As originally written, the legislation would have opened certain Family Court proceedings that had formerly been closed, together with the records of those proceedings. It was pointed out that the recommendations of the Blue Ribbon Task Force which had been convened under Senate Concurrent Resolution No. 9 of the 147th General Assembly, which were to have been embodied by S.B. 119, were confined

only to recommending the opening of certain proceedings, but not the opening of records. The wording of the legislation was modified to remove references to the opening of records.

***Other discussion:***

In the general discussion that followed, Ms. McCall stressed the need for persons involved in Family Court proceedings to be able to tell their attorneys what they want. She said that people do not know that they can tell their attorneys what they want to do. She stressed the need for better education for litigants. She noted that in the past the Delaware Commission for Women had instructional videos available.

Mr. Bounds said that Delaware could consider instituting a concept known as “collaborative law” in which, rather than an adversarial proceeding, parties could work with attorneys and counselors to develop a collaborative solution in a process similar to mediation. He noted that legislation would be needed to put such a proceeding in place.

**October 29, 2015: Presentation by Mr. Theodore G. Mermigos, Jr., Director of the Division of Child Support Enforcement, and officials of his division**

Chairman Bounds introduced three guests, Mr. Theodore G. Mermigos, Jr., Director of the Division of Child Support Enforcement; Ms. Julie Rhoades, Deputy Director; and Gwen Anderson, Social Services Senior Administrator for the Division.

Mr. Mermigos discussed new developments at the Division since staff members had last meet with the Commission in 2013, including the retirement of former director Charles Hayward in April, 2015. Mr. Mermigos, who was promoted to the directorship from his previous position as deputy director, noted that he has 20 years of state service, including 15 years with DCSE. He said that he is trying to “change the culture” of the agency and noted that all those who come to DCSE for service will be treated with dignity and in a professional manner.

He said that the agency deals frequently with employers, noting that DCSE gets about 70 percent of its child support funds from wage garnishments. When someone comes to them for service, they also look at what other divisions within the overall Department of Health and Social Services may be of help to them.

Mr. Mermigos noted that DCSE is developing what he referred to as “a fatherhood initiative,” one of the primary goals of which is to provide young fathers with employment and training skills. DCSE tries to help fathers find long-term, sustainable employment. “We want to do intensive case management with non-custodial fathers,” Mr. Mermigos said.

He noted that the Hispanic community is not very trusting of government in general, “especially when the agency has ‘enforcement’ in its name. He said that DCSE is trying to bridge the gap with the community through various methods of outreach and said that in providing services to fathers of children served by the agency, they do not take citizenship status into consideration. There was some discussion of reciprocal agreements, or lack thereof, with the countries of origin of non-citizens with whom the agency comes into contact. He said the agency is meeting with such entities as the Delaware Commission on Hispanic Affairs, the Dept. of Labor’s Division of Employment and Training, and the Division of Libraries to find more effective ways of helping parents sign up for employment, fill out job applications and prepare resumes.

Mr. Mermigos also said that DCSE is pleased with the enactment in June of Senate Bill 85, relating to the Uniform Interstate Family Support Act, which updated procedures for interacting with other states and countries on child support cases.

He said that DCSE has 21 child support workers manning phones from 8 to 4, as well as supervisors overseeing their efforts.

Senator Ennis said that he understands the rate of delinquent child support collections has been quite low. Dr. Gonzales noted that the fact that many delinquent fathers are incarcerated “creates a cycle of impossibility to pay

back the child support obligation.”

A discussion followed as to the difficulty in obtaining employment faced by men being released from prison with criminal records.

Rep. Ramone expressed concerns about the possibility that state processes may create a motivation for negative behavior, i.e., wives getting divorces when their husbands go to jail, in order to get child support.

The guests and Commission members also discussed the issue of establishment of paternity. It was noted that the level of federal funding received by DCSE is tied to how successful the agency is in establishing paternity in the cases it deals with. Last year, Mr. Mermigos said, they achieved a level of 78.5 %. They expect to achieve a level of 82.5 % this year.

Chairman Bounds expressed the Commission’s concern that Voluntary Acknowledgment of Paternity may in some cases be based on flawed or incorrect information. Mr. Mermigos said that some of these cases are the result of court-ordered DNA testing. Chairman Bounds requested that DCSE begin collecting data on this.

A question was raised as to the number of births in Delaware per year. Dr. Metzger noted that in 2009, there were approximately 12,000 births in Delaware, 11,000 of whom were Delaware residents.

***The following is a summary of the points raised by Mr. Mermigos in his presentation:***

Changing a culture at DCSE

The DCSE Staff needs to treat our customers with professionalism, dignity and respect. We are to do are best to resolve concerns the best we can. That includes the non-custodial parents, it is expected that we will provide case and next steps processing information. I have also asked that staff consider other services offered by the other divisions within DHSS to see if a referral for help is appropriate.

Father-hood initiative:

\$50,000 from DSSC

Start at the ground level (train/teach non-custodial parents a trade) that will be well paying and a career

Intensive Case management

Partnership with nonprofits

Assist with employment and training

Educational assistance

The Hispanic Community

Bridging the gap – gaining the trust of a group of people who don’t trust state government

Outreach efforts- explaining the service of the division, in Hispanic media (print/radio) statewide

Using Social media as a tool to outreach

The Hispanic Community doesn’t understand that we will not report them for citizenship status

Partnerships

Assistance in helping people to get jobs:

Partnership with the Department of Labor, Division of Employment and Training and Dept. of State’s, Division of Libraries to work on establishing dedicated time for our clients (both custodial and non-custodial parents) to have dedicated computer time and access to DOL’s Job Link program with instructional time on how to create a resume or fill out an application. Also assisting with applying for specific jobs that are available.

New Law

In June 2015 Senate Bill 85 that updated Delaware Code Title 13, Chapter 6- Uniform Interstate Family

Support Act passed both houses of the GA and was signed into law by the Governor. The new law updated how the state will process intergovernmental cases (cases between states) as well as added a new section related to international cases.

#### Paternity Establishment

We continue to work on paternity establishment as an agency. In order to be in compliance with 45 CFR 305.60, the state must meet a performance level for paternity establishment of 90% for children in the case load or demonstrate a 2% increase over the previous federal fiscal year. Financial penalties begin to be assessed once the state has two consecutive fiscal years of not meeting the 90% threshold or 2% increase over the previous year.

September 30, 2015 was the end of Federal fiscal year 2015 and DCSE was able to increase the paternity establishment rate for children in our case load by 2% over last year. Our rate was 82.5%

Expedited GT results, we are now working on a process with the Family Court that will help expedited GT results being provided to DCSE Court ordered genetic testing is completed.

***NOTE: On Nov. 16, Mr. Mermigos provided detailed written information in answer to several questions raised by Commission members. This material is attached to this annual report as an addendum***

**Birth Rate:** With regard to the question about the number of births in Delaware, he noted that the Division of Public Health reported that in 2011 there were 11,227 births in Delaware. In 2011, there were a total of 12 births to mothers under the age of 15. There were 248 births to mothers between the ages of 15 and 17 and 649 births to mothers aged 18 and 19. He has included a detailed chart with this and additional information.

**Cost of Genetic Testing:** Mr. Mermigos also reported that at present DCSE and the Family Court have a contract with Laboratory Corporation of America to provide genetic testing services statewide. The state pays for the testing upfront. If the alleged father is deemed to be the father by 99.99 % probability, the Family Court will ensure that the state recovers the testing costs. The state pays \$97.50 for the alleged father, the mother and one child, and \$32.50 for each additional individual after the first three parties. In Federal Fiscal Year 2015, DCSE paid \$83,854.00 in genetic testing costs for cases in the agency's caseload and Family Court paid an additional \$8,959.88 for other cases, for a total of approximately \$92,813.88 for the fiscal year.

**Number of VAPs:** In Delaware in Federal Fiscal Year 2014, there were 2,822 paternitys established with the use of a Voluntary Acknowledgment of Paternity form.

**Number of Minors as participants in Child Support cases:** There are 20 cases (14-NC Co, 4 K Co, and 2 S Co) in the Delaware Child Support System with a minor male non-custodial parent. The agency is not able to determine a true number for custodial parents. Of the 20 cases, 13 have yet to have paternity established.

Mr. Mermigos also discussed the division's new computer system, which is called DECSS ("Delaware Child Support System"). He noted that the new system is much more "user friendly" for clients of the agency, allowing them to log onto the system and see detailed information about their account balances, etc.

#### ***Other Business:***

Senator Ennis discussed the status of his Senate Bill 119, the legislation which was designed to implement the recommendations of the Blue Ribbon Task Force established at the Commission's request to consider the possibly opening of Family Court proceedings now closed. The legislation, as amended, has passed the Senate, but remains in committee in the House of Representatives.

The Commission also discussed Senator Lawson's legislation to deal with the problem of persons making false allegations of violations against those who are under "Protection from Abuse" orders. Mr. Morning noted a recent article in the Delaware State News about the high incarceration rate of minorities in the state and expressed the view that the false allegation problem was a possible factor in this. He feels that Senator Lawson's legislation would be a good way to begin addressing this problem.

## November 19, 2015: Presentation by Attorney General Matthew Denn and officials of his department

Chairman Bounds introduced special guests, Attorney General Matthew Denn and Deputy Attorneys General, Patricia Daily Lewis and Lakresha S. Roberts. Mr. Denn noted that Ms. Dailey Lewis has been the Director of the Dept. of Justice's Family Division, but is retiring to take on new duties as Executive Director of the newly-established Beau Biden Foundation, and that Ms. Roberts will be Ms. Dailey-Lewis's replacement.

In his remarks, the attorney general noted that since taking office in January, 2015, he has been to Family Court on numerous occasions because of cases involving firearms charges against juveniles. He said that in March, 2015, he went to Family Court for a case involving three juveniles, one aged 14 and two aged 15, who had been charged with assaulting an adult with severe developmental disabilities. One of the juveniles had videoed the assault and posted it on social media. "I wanted to be at the sentencing to communicate how serious we thought the case was," Mr. Denn said.

He spoke about the limitations imposed by state law on authorities handling such cases, and said he believes it is time to consider making changes in the law. He suggested that in such serious cases there should be a requirement that there be a hearing before a Family Court judge to see if the case ought to be sent to Superior Court. He said that in some more serious cases, "we think the juvenile isn't amenable to Family Court and ought to go to Superior Court."

He noted that in such serious cases, juveniles serve their jail sentences in a separate unit at Howard R. Young Correctional Institution (also known as "Gander Hill Prison" because of the neighborhood in which it is located.).

He said that in another category of cases, the department feels that some level of deterrence and punishment should be introduced, and suggested that if a juvenile commits a second crime within one year of the first, there should be a mandatory one-year sentence in a juvenile facility. If a gun is used when the crime is committed, there should be an additional mandatory six month sentence.

Mr. Denn said that all proceedings involving juveniles need to be grounded in the interest of the child. "A juvenile's delinquent acts, with few exceptions, do not rise to the level of labeling a kid as a criminal for the rest of his life," he said. He referenced a Sussex County case several years ago in which three juveniles stole a car from an elderly woman and kept her entrapped in the trunk of her car for three days before finally freeing her.

He said that there are some procedural measures in the adult judicial system, such as trial by jury, that are not available in Family court. He said that the Family Court system was very carefully designed with the needs of children in mind.

He said that in Delaware, the recidivism rate for juveniles is approximately 80 per cent, a figure that is "pretty much true across the country. For kids who are in secure facilities, the programming is pretty good, although there is room for improvement. The problem is that when they get out, they go back to the same setting, falling behind in school, etc."

Ms. Dailey Lewis said that there are presently two task forces looking at these matters. "We don't see where outcomes at private facilities are any better than at Ferris," she said, referring to the Ferris School for Boys, a secure facility near Wilmington operated by the Department of Services for Children, Youth and their Families. She said that the state is also doing a better job of follow-up with families of high risk juveniles.

Ms. Dailey Lewis noted that "we are opposed to not allowing kids back into their old schools. You will be shocked at the environments of alternative schools. Kids get with a worse group of kids and drop out. We are working to get kids on a better educational track."

She said that one problem is that individual school districts are not always willing to permit former juvenile offenders to come directly back into the schools they formerly attended. Mr. Denn added, "there needs to be a way for a judge to sidetrack the process if he sees a need to do so. Judges need to have some ability to size kids up." He suggested that it would be helpful to begin a dialogue on the subject between his office and the Family Court judiciary.

The subject of mentoring programs was brought up by a member of the Commission. Ms. Dailey Lewis noted that mentoring programs work best when they begin with younger children. There was also discussion about effective alternate schools. Rep. Stephanie Bolden suggested the Sarah Pyle Academy in the Christiana School District as a possible model.

In a wide-ranging discussion between the guests and Commission members that followed there was discussion of funding limitations for much police work and preventive work, and about the possibility of expanding the scope of juvenile offenses for which records can later be expunged and finding ways to reduce the cost of seeking expungement. Rep. Bolden observed that many school-related incidents begin on school buses and are carried over into the schools. Dr. Gonzales noted that the advent of social media has created “a whole other level” of bullying and related offenses.

---

### Upcoming meetings:

Chairman Bounds reported that he has invited Family Court Chief Judge Michael Newell to speak to the Family Law Commission at a meeting in March, 2016 on a date to be determined. He also suggested other possible 2016 meeting dates: April 21, June 16, Sept. 15 and Nov. 17.

### Report on Legislation:

Family Law Commission legislator members sponsored two pieces of legislation relating to family law during 2015. These included Senate Bill 99, the prime sponsors of which are Senator David G. Lawson and Representative Michael Ramone, and Senate Bill 119, whose prime sponsors are Senator Bruce C. Ennis and Representative Stephanie Bolden.

**Senate Bill 99, entitled “AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO FALSELY REPORTING A VIOLATION OF A PROTECTION FROM ABUSE ORDER”** makes clear that it is a class A misdemeanor when a person, knowing the information reported is false or baseless, reports to a law-enforcement officer or agency that a Protection from Abuse Order has been violated. The act also makes technical corrections to conform existing law to the guidelines of the Delaware Legislative Drafting Manual. In an accompanying letter to Attorney General Denn, Senator Lawson urged the Attorney General to prosecute the act of lying under oath. He spoke to the problems that false allegations can cause and that, while “we want people to feel comfortable with approaching the courts for protection from an abusive relationship” we “should not allow people to take advantage of the system and lie without consequences.” He noted that his legislation is designed to clarify “that lying about someone violating a PFA Order is false reporting.”

**Present Status: The legislation is in the Senate Judiciary Committee.**

**Senate Bill 119, entitled “AN ACT TO AMEND TITLES 10, 13 AND 16 OF THE DELAWARE CODE RELATING TO PUBLIC ACCESS TO FAMILY COURT PROCEEDINGS”** is designed to implement the recommendations of the “Open Family Court Task Force,” convened under the provisions of Senate Concurrent Resolution No. 9 of the 147th General Assembly. The Bill provides that paternity, divorce, property division and alimony hearings are presumed to be public proceedings and that the Court has discretion to hold the proceedings in private for criteria specifically outlined. The Bill also clarifies that adoption, custody, visitation, third party visitation, termination of parental rights, guardianship, permanent guardianship, Child Protection Registry and dependency/neglect/abuse hearings are private, except that the Court may open the hearings to the public under a specific criteria.

**Present Status: The legislation passed the Senate and is presently tabled in the House Judiciary Committee.**