

Family Law Commission Minutes – Meeting of November 19, 2015
Senate Hearing Room, Legislative Hall, Dover, Delaware

Members Present

Curtis Bounds, Esq., Chair
Rep. Stephanie Bolden
Senator Bruce Ennis
Dr. Twain Gonzeles
Ms. Lynn Kokjohn
Senator David Lawson
Ms. Raetta McCall
Dr. M. Diana Metzger
Mr. James Morning
Rep. Michael Ramone

Staff Members

Dick Carter, staff
Sarah Meyer, staff

Special Guests

Attorney General Matthew Denn
Patricia Dailey Lewis, Esq., Dept. of Justice
Lakresha S. Roberts, Esq., Dept. of Justice

Other Guests

Aimee String, Domestic Violence Coordinating Council

Meeting Summary

Chairman Bounds called the meeting to order at 9:45 a.m. The minutes of the Oct. 29, 2015, meeting were approved.

Chairman Bounds introduced three special guests, Attorney General Matthew Denn and Deputy Attorneys General Patricia Dailey Lewis and Lakresha S. Roberts.

Mr. Denn noted that Ms. Dailey Lewis has been the Director of the Dept. of Justice's Family Division for a number of years, 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.

Following the conclusion of the regular meeting, there was a brief discussion with Ms. Aimee String, Domestic Violence Coordinating Council, who was attending as a member of the public.

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.

The meeting was adjourned at approximately 11:30 p.m.

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