



Delaware Family Law Commission Annual Report for 2016



The Purpose of the Delaware 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.

**(Note: A copy of the Family Law Commission enabling statute
is printed at the end of this report)**

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 2016 meetings were held on January 22, March 19, April 23, May 21, October 29, and November 19.

2016 Members of the Delaware Family Law Commission

Curtis Bounds, Esq., Wilmington – Chair,
Representative Stephanie T. Bolden, Wilmington
Senator Bruce C. Ennis, Smyrna
Lawrence Davis, Milford
Dr. Twain Gonzales, L.C.P.M.H., Lewes
Lynn A. Kokjohn, Rehoboth Beach
Senator David G. Lawson, Marydel
Raetta McCall, Middletown
Dr. M. Diana Metzger, M.D., Wilmington
James Morning, Dover
Representative Michael Ramone, Newark

Peggy Smith, Newark (resigned during 2016)
Judge William J. Walls, Delaware Family Court

Assistants to the Family Law Commission

Dick Carter, Delaware State Senate staff
Sarah Meyer, Delaware State Senate staff

A Summary of the Commission's work during 2016

The Family Law Commission met during 2016 on the following dates (all Thursdays): January 22 (annual public hearing), March 17, April 14; May 12; Sept. 15 and Nov. 17. All meetings took place at Legislative Hall. Two were evening meetings, the public hearing and the Sept. 15 meeting. The other four meetings took place in the morning. A summary of the meetings follows.

Summary of January 21, 2016, 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 21, 2016 public hearing, the Commission heard from five members of the public. The areas of concern raised by the speakers were as follows:

The first speaker was a former member of the Blue Ribbon Task Force on Open Family Court Proceedings. She discussed Senate Bill 119, which reflects the findings and recommendations of that body. At the time of the hearing, the bill had passed the Senate and was awaiting action in the House. The speaker also emphasized the need for improvements in court procedures regarding pro se litigants (litigants not represented by an attorney). She noted that some 80 percent of those who come to Family Court represent themselves. She said that the community does not have adequate access to the Court process and advocated educating Court personnel as to how to better serve the needs of the public.

Note: The 148th General Assembly ended in November, 2016, without taking final action on S.B. 119. The view was expressed by some members of the House Judiciary Committee, which did not release the bill, that the Family Court had acted administratively to implement the principal recommendations included in the legislation.

The next speaker addressed the subject of Protection From Abuse orders (PFAs) and the issue of alleged false allegations made by those who are seeking PFAs. He said that he is tired of what he claimed is inactivity on the part of Court officials regarding the problem of false allegations. He said that the system is designed to make more revenue for the Court, and advocated greater accountability for those making such allegations.

The third speaker introduced herself as the mother of three daughters and said that in the past 10 years she has spoken repeatedly about her personal experiences in Family Court, addressing false allegations and advocating greater transparency of Court proceedings. She was critical of some family practice attorneys and some of what she referred to as "their therapy vendors" for operating "smear campaigns," including those in

which the sanity of the opposing litigant is questioned. She urged that the Court keep to “the real issues,” which she said are maternal/paternal deprivation, fraud against the Court, and greater oversight and accountability for judges and for child psychologists and counselors.

The fourth speaker, an ex-offender, advocated changes in the existing state law governing circumstances in which a convicted sex offender may be allowed unsupervised visitation with his or her children, custody, or having a child reside with the ex-offender. The law in question is Section 724A, Chapter 7A, Title 13, of the Delaware Code, the “Child Protection from Domestic Violence and Sex Offenders Act.” The speaker stated that although he has not committed a new sexual offense under the provisions of the statute, “the courts determined that terroristic threatening in the misdemeanor category (of which he was convicted) was to be considered a ‘criminal act of violence,’ when, in fact,” he said, “terroristic threatening in the felony category is not considered a criminal act of violence.” He argued that by defining misdemeanor terroristic threatening as a “criminal act of violence,” the courts have made it impossible for him to ever see his son. He also stated that he had never abused or neglected his child, but that, as a result of this law, his parental rights were terminated.

The last speaker told the Commission that he has spent 6 ½ years in the family court system fighting for visitation rights with his daughter, who is now 7 ½ years old. He said that he has paid upwards of \$50,000 in attorney’s fees and, for the past 2 ½ years, has had a pro bono attorney. He spoke about what he feels are problems with the existing procedure for the issuance of Protection From Abuse orders. He charged that the Court does not take adequate precautions to guard against persons who abuse the law by making false allegations while seeking PFA’s. He said that he originally went to court as a pro se litigant to work out the details of child visitation and was given reasonable terms. Twenty-eight days later, he was notified that a PFA order had been issued against him. He said that, although he was innocent of the allegations made against him, “the fact is that you are guilty until proven innocent.”

Summary of Meeting of March 17, 2016:

The status of Senate Bill 119:

The Commission discussed the current status of Senate Bill 119. Its prime sponsor, Senator Bruce C. Ennis, reported on a January 20 House Judiciary Committee hearing on the bill. He noted that concern about the legislation was expressed by a number of attorneys and cited a letter addressed to the judiciary committee by Patrick J. Boyer of the MacElree and Harvey Law Firm and signed by Mr. Boyer and 11 other attorneys. The letter states that “the Family Court and its litigants are well served by the current statutory framework which presumptively closes property division, alimony, and paternity hearings, though allowing members of the public to attend when “appropriate circumstances” exist. Mr. Boyer also alleged that SB 119, if enacted, “will create new and unnecessary challenges for the Family Court, will put our litigants at risk, and will delay the administration of justice.”

Rep. Ramone said that it is his impression that the House Judiciary Committee Vice-Chair, Rep. Melanie George Smith, who spoke out against the bill at the house committee meeting, feels that the task force has already brought about changes in Court operations and that a change in the law is not needed.

Chairman Bounds noted that numerous other state jurisdictions hold pro se litigants to the same standards as attorneys and expressed the view that part of the difficulty may be caused by Family Court allowing pro se

litigants so much latitude. He said that Chief Justice Leo Strine is very much behind the efforts of another task force, on which he (Mr. Bounds) serves, to bring legal services to pro se litigants. He said there is discussion about opening up Family Court to non-lawyers and allowing paralegals to perform certain tasks now requiring the services of an attorney. He referred to this movement as “unbundling legal services.”

False Allegations:

It was suggested by a Commission member that the Commission have an intensive discussion about the issue of “Protection from Abuse” orders (PFAs) and their possible misuse as a tool in custody debates and other proceedings, particularly since this subject was prominently featured in the remarks of several of those who testified at the public hearing. The allegations made by some members of the public that people are in some instances being coached in how to misuse the PFA process for legal advantage in child custody proceedings was discussed. The view was expressed that more public awareness and open discussion might lead to the resolution of some of the existing problems with PFAs.

Chairman Bounds noted that the only thing that has been changed in the state custody statute in recent years is an increased level of public awareness and consideration about issues relating to domestic violence. Other than that, he said, “the General Assembly hasn’t revisited the statutes since the 1970s.”

Discussion followed about the possibility of holding an evening public hearing on the subject of PFAs and that members of the General Assembly be invited to attend. It was suggested that it would be appropriate to hold such a hearing in the Fall.

Ms. Aimee String of the Domestic Violence Coordinating Council spoke to the Commission about an organization known as “Women Empowered Against Violence in Every Relationship,” which goes by the acronym, WEAVER, and suggested that they should be invited to participate in any planned event on the subject of PFAs.

Summary of Meeting of April 14, 2016:

Continued Discussion of Pending Family Law Legislation: S.B. 119:

Commission members also suggested that there is need to arrive at a compromise between those who favor SB 119 and those who oppose it. Mr. Bounds noted that one thing causing some opposition to the bill is the serious space shortages which presently exist in both the Kent and Sussex County Family Court facilities. Rep. Ramone suggested that one possible point of compromise might be to amend the bill to say that its provisions will not take effect until new court facilities are completed in both Kent and Sussex Counties.

It was decided to ask FLC Member Lynn Kokjohn, who served as co-chair of the 2013-2014 Task Force on Public Access to Family Court Proceedings, and her fellow co-chair, Ms. Mariann Kenville Moore, to meet with Judge Michael Newell, Chief Judge of the Family Court, in an effort to work out differences on the legislation. Mrs. Kokjohn agreed to do so.

Other Pending Family Law Legislation:

The Commission discussed a number of other bills now before the General Assembly which touch on various aspects of family law.

Senate Bill 55: Mr. Bounds discussed SB 55, which would amend the Protection From Abuse (PFA) statute of the Delaware Code.

AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO THE FAMILY COURT OF THE STATE OF DELAWARE.

Synopsis:

This Bill extends the number of days for an emergency ex parte order from 10 days to 15 days. Currently, an ex parte order is issued and a full hearing is scheduled within 10 days. This can be insufficient time to effectuate service of the order and petition on the respondent. If respondent has not been served, the hearing is rescheduled and the petitioner must return to court the following week. Scheduling the hearings within 15 days will allow more time for service on the respondent, and afford more time for the parties to prepare for the hearing. The amendment also extends the time to 15 days for an expedited emergency hearing when there has not been an ex parte order issued.

It was noted that the bill passed the Senate on April 13. Mr. Bounds said that while the bill will solve one problem, it will create another, namely, that parents may be separated from children for a longer period of time. He expressed the opinion that if the present 10 days for an emergency ex parte order is extended to 15 days under the PFA statute, the time period for emergency ex parte orders for custody proceedings should also be extended, so that there will not be an incentive for litigants to go the PFA route over the emergency custody route. Judge Walls agreed that the time period should be consistent for both types of proceedings. Rep. Ramone said that he will look into the possibility of amending the legislation on the house side.

NOTE 1: At the May meeting of the Commission, Ms. Ellie Torres of the Domestic Violence Coordinating Council said that in more than half the country, full hearings must be scheduled 15 days or more after emergency ex parte orders are issued. Delaware's present ten-day rule is substantially shorter than the norm and this legislation would lengthen that time period.

NOTE 2: SB 55 was signed into law on August 10, 2016

Senate Bill 209: AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO FAMILY COURT OF THE STATE OF DELAWARE AND DOMESTIC VIOLENCE

Synopsis: This bill clarifies that treatment required for participants in the domestic violence first offenders program must be domestic violence treatment with a Domestic Violence Coordinating Council-certified treatment provider.

A question was raised about what happens with similar programs in other states.

Discussion about special evening event in September to focus on Protection From Abuse orders and the problem with false allegations.

NOTE: SB 209 was signed into law on August 3, 2016

Discussion about Meeting on the subject of PFAs:

The Commission held further discussion about plans for an evening meeting at Legislative Hall to focus on the Protection from Abuse statute and its alleged misuse, with invited speakers from both sides of the issue, i.e., those who feel that PFAs are an important tool for use in preventing domestic abuse and those who allege that there are numerous instances of litigants using false allegations to obtain PFAs, the issuance of which can then be helpful to their side in ongoing custody disputes.

One speaker on the subject was quoted, “Women want protection from abuse, but not the wedge between spouses that the system creates. People love each other.”

Commission member Raetta McCall noted that people want to see the Family Law Commission work on finding some sort of solution to these problems. Mr. Bounds replied that bringing together constituencies that do not normally talk to each other is getting something done.

Discussion of Commission Vacancies:

A memorandum was circulated to members setting forth the requirements for Family Law Commission membership and the existing vacancies on the Commission. At present, the following are needed:

One attorney, licensed to practice law in the State of Delaware

One pediatrician, or at least a medical doctor licensed to practice in Delaware

One citizen member from Kent

One citizen member from elsewhere

Commission staff member Mr. Carter has been in communication with the President Pro Tempore of the Senate and the Speaker of the House about the filling of these vacancies.

Comments from members of the public:

One member of the public spoke, saying that she has been involved in Family Court proceedings for over a decade. She said that she agrees with Senate Bill 55, and that the present 10-day period was not enough time for litigants to adequately prepare themselves, noting that “it is almost impossible to get a lawyer fast enough under the present time limit. That is why SB 55 is so important.”

She also addressed the PFA issue, saying that if a permanent order is issued, it can go on for a year and a half. She also said that while there is clear evidence of false allegations in some PFA cases, these do not outweigh genuine domestic violence cases.

She also agreed with a statement by a Commission member that it is helpful to have a police officer serve as a member of the Family Law Commission.

Summary of Meeting of May 12, 2016

The primary business of the meeting was a presentation by Delaware Family Court Chief Judge Michael Newell about the current status of the Family Court. Judge Newell gave a Power Point presentation about Family Court operations. He spoke about the Family Court Enhancement Project, which is studying ways to improve the handling of custody cases where domestic violence is an issue. He noted that Delaware is one of only four states across the U.S. to get federal grant funding to study areas for improvement in their Family Court operations. He said that Judge Jennifer Ranji is now the Domestic Violence Liaison Judge. The Family Court Enhancement Project also has several sub-committees including an “Access to Justice Subcommittee,” which Judge Newell characterized as “outside looking in” on Court operations, and a “Differentiation Subcommittee,” characterized as “inside looking out.” The judge said he is interested in how the impact of domestic violence allegations affects both Protection from Abuse orders and custody orders.

He said that he has established a Steering Committee for the ongoing Court Improvement Project. The Court has also established a “Rules of Civil Procedure” Committee and that a “Rules of Criminal Procedure” Committee will follow.

E-Filing: Judge Newell said that the Family Court is the only court that has no form of e-filing presently in use. The Court has a target date of December, 2016, to implement e-filing for civil procedures—he said that the date may be optimistic. E-filing for criminal procedures is expected to follow within two years. He also called for the publication of case information on the Court website, noting that this has not moved forward as much as he would like, but that it needs to be done. “We upload our cases to Westlaw and clerks redact information as needed, but only attorneys have access.” He said that the Court is working to raise the level of respect for the Family Court and for the family law bar.

Major Challenges: Among the Family Court’s major challenges, Judge Newell said, are inadequate facilities and unsafe facilities. He noted that a 2006 Court study found that the Family Court facilities in both Kent and Sussex Counties are limited in size, unsafe, and undignified. Sussex Court facilities are some 30,000 square feet in extent and 90,000 square feet is needed. Kent County Court facilities are some 45,000 square feet in size and a total of 90,000 square feet of space is needed there as well.

Budget Priorities: In the operating budget, the Court is hoping to convert five casual/seasonal law clerks to full time employees. “Now we have one law clerk to one judge,” Judge Newell said, adding that the Court still needs to resolve casual/seasonal issues with law clerks for Kent and Sussex. He said that there is \$5 million in capital funding proposed for Fiscal Year 2017 for replacement of the Kent and Sussex County facilities, and that \$500,000 was included in the F.Y. 2016 budget for planning. Family Court was given the authority in the F.Y. 2016 Capital Bond Bill to spend \$5 million for land acquisition.

Legislative Priorities: The Family Court is hoping to get passage of a bill to allow e-Filing by changing notarization requirements.

The Chief Judge stated that the Court is attempting to make what is not a good experience in their Court into an acceptable experience. The Chief Judge suggested that the Court could do a better job of triaging cases. He added that the Court is also planning to make more use of retired judges in the “alternate dispute resolution process.”

Chairman Bounds asked the judge if there was any money in the Court budget for more use of video conferencing. Judge Newell replied that there are new applications in the works to allow video and phone connections with Court proceedings.

Representative Ramone expressed the hope that the construction of new, enlarged Family Court facilities in Kent and Sussex will solve much of the current problem about greater public access to proceedings.

Judge Newell responded that “it is not the size of the courtroom. It is the type of cases we hear” that governs public access. He pointed out that the General Assembly’s 2013-2014 task force on greater public access in Family Court proceedings on which he (Judge Newell) served took public comments and that 60 percent of the people said “leave it the way it is” and 40 percent wanted more public access. “Half of the 40 percent wanted a support person” to accompany them to Family Court proceedings.

Representative Ramone spoke of the “balance between PFAs [Protection from Abuse orders] and people who have abused the PFA process.” He said that he wanted to “express the frustration of people who believe PFAs are being misused.”

Discussion of Pending Family Law Legislation:

The Commission discussed a number of other bills now before the General Assembly which touch on various aspects of family law.

House Bill 373, AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO FAMILY COURT

Synopsis:

This bill amends the definition of family to make spouses and couples gender neutral. This bill also permits the transfer of misdemeanor criminal jurisdiction in cases involving former spouses, persons cohabitating, with or without a child in common, and persons living apart with a child in common from the Court of Common Pleas to Family Court...

Ms. Ellie Torres, of the DVCC, who was present at the meeting, explained that moving cases from the Court of Common Pleas to Family Court is in keeping with the Court’s civil jurisdiction. She said that companion charges not against a family member will still go to the Court of Common Pleas.

Note: House Bill 373 was signed into law on August 3, 2016

Public Comments:

Comments by a member of the public who identified herself as a “child advocate”:

She expressed the view that persons who come to the Family Law Commission annual public hearings year after year and give accounts of false allegations and alleged mistreatment by the court system “are not representative of cases in Family Court.” She said that proving that domestic violence has occurred is extremely difficult for victims, who are often without legal resources, and that many find the difficulties to be insurmountable. She said that if such persons are struggling to pay for an attorney, they often are not able to take off work to appear at Family Law Commission meetings to tell their stories. She said that she would like “Family Court work groups” to be more available to people “who are in the trenches.” She also called on the Family Law Commission to survey people who make public comments at FLC meetings as to whether they have open cases in Family Court. She questioned the prevalence of false allegations and said that statistically there is a very low percentage of false allegations in PFA proceedings. She said that many victims of domestic violence do not report their abuse.

Summary of Meeting of Sept. 15, 2016

The Sept. 17 meeting was held in the evening at the suggestion of Chairman Bounds to allow persons to attend without taking time off from work, in order to address the Commission about their experiences with Custody Petitions and Orders for Protection from Abuse (“PFA’s”) and about representations, previously made to the Commission, of false allegations being made to the Court by petitioners for the purpose of obtaining PFA’s.

Commission member Raetta McCall expressed her understanding that many litigants in Family Court, including most PFA petitioners, are pro se litigants [acting without an attorney] and that more training and education of the public as to Family Court procedures is needed.

Chief Judge Michael K. Newell addressed the Commission, explaining the process of obtaining PFA’s. He gave information about how the Court goes about granting PFA’s and denying PFA’s. The Chief Judge also spoke about the difficulty of determining whether applications for PFA’s are based on false allegations. He said that the Court is an instrument to determine the truth and falsity of evidence, but no such system is foolproof. Chief Judge Newell noted that about one-fourth of petitions for PFA’s need to be resolved with a final hearing and that hearings that go to trial split about equally between granting and denying PFA’s.

Family Court Commissioner Andrew Southmayd also addressed the Commission about the PFA process from his perspective as a Commissioner who regularly hears petitions for PFA’s. He explained to the Commission that he sometimes struggles with petitions for PFA’s that give him, based upon the allegations and demeanor of the litigants, cause for concern, but that do not meet the evidentiary standard for granting a PFA.

Rep. Ramone asked if there is any kind of objective standard by which to measure Commissioner’s decisions on PFA’s. Chief Judge Newell stated that a party in a PFA proceeding can appeal a Commissioner’s decision to a Family Court Judge and that Judges have the ability to reverse a Commissioner’s PFA Order after reviewing the record, including the transcript of the hearing.

Judge Newell said that there are approximately 3,000 petitions for PFA’s filed annually. He said that the judicial process exists to determine whether PFA’s are granted properly or improperly, but that statistical evidence is not appropriate to determine the correctness or incorrectness of a Commissioner’s decision. He said that the

judicial officers of the Family Court do their best to provide fair and accurate decisions based on the merits of the cases that come before them.

Deputy Attorney General LaKresha Roberts, Director of the Department of Justice's Family Division, spoke on the subject of allegations of false testimony in civil proceedings as it relates to the crime of perjury. She said that during her years with the Department of Justice there has never been a perjury case arising from a PFA proceeding prosecuted, so far as she is aware. She noted that perjury is a criminal charge and that a PFA proceeding is a civil matter. She said that inconsistent statements in a civil matter may not, and often do not, rise to the level of criminal behavior that can be prosecuted beyond a reasonable doubt.

Ms. McCall noted that the late Attorney General, Joseph R. "Beau" Biden, III, had expressed to the Commission that the Department of Justice did not have the resources to carry out perjury prosecutions.

Ms. Roberts noted that before a prosecution for perjury can take place, the offense has to be provable. There has to be evidence to support the charge, she said, that is independent of one person's uncorroborated evidence, and it is necessary to be able to prove the charge beyond a reasonable doubt. She said the prosecutor must be able to prove beyond a reasonable doubt that the person charged with perjury intentionally made a false statement.

A member of the public spoke, saying that it is her belief that persons who are asserting that false allegations have been made in PFA proceedings present a problem in the judicial system, and that they are often pursuing the agenda of "national fathers' rights groups."

Another member of the public recounted his experiences after having been served with a PFA sought by the mother of his daughter. He expressed his recollection that he felt pressured to consent to a PFA despite the fact that he had not threatened or carried out abusive behavior, and that as a result he felt that his visitation with his daughter was limited for a lengthy period of time. He also commented that, while the PFA statute is a civil law, he believes that it is surrounded by criminal repercussions.

A third member of the public spoke about her experience of being served with an emergency Ex Parte PFA obtained by her ex-husband. She said that she was forced to leave her home with no money, no clothes, no bank account, and no access to her children. She recounted that, subsequent to the issuance of the PFA, she has not seen her children for six years. She ascribed her situation to the fact that her ex-husband obtained this PFA at a time when she did not have ready access to funds, and was unable to obtain the services of an attorney.

The present husband of the speaker also spoke to the Commission about his wife's situation, expressing his belief that there was evidence of criminal behavior by his wife's ex-husband, that, had it been made available to the Commissioner, may have changed the outcome of the PFA proceeding.

Another member of the public recounted her boyfriend's experience with his ex-wife who had filed for a PFA prior to a custody hearing.

Another member of the public spoke of his experience in dealing with a PFA proceeding. He told the Commission that he felt he got no help as a Respondent; he had no attorney; and he felt intimidated by the PFA process.

The final member of the public who spoke recounted his experience with the PFA process. He alleged that his girlfriend made false allegations against him in a PFA proceeding, and that the information he sought to present to the Court about what was really happening in his girlfriend's life was not heard. He expressed his

belief that the Court’s refusal to consider this information was a contributing factor to her eventual death, because she did not get the help she needed with her own problems.

Chairman Bounds noted that Delaware was the last state to adopt a PFA statute and that PFA’s have saved lives in the State of Delaware since the statute became law.

Summary of Meeting of Nov. 17, 2016:

Family Law Commission appointments and possible updates to enabling statute:

It was noted by Chairman Bounds that terms of several members of the Family Law Commission, who are jointly appointed by the President Pro Tempore of the Senate and the Speaker of the House of Representatives, have expired and that new appointments are needed. He said that as part of this process, it might be desirable to ask the General Assembly to update the Family Law Commission enabling statute with some new wording to reflect changes since the statute was originally enacted in 1984. Proposed Meeting Schedule for 2017:

The following meeting dates for 2017 were proposed:

- Annual Public Hearing – Thursday evening, February 16, 2017 at 7:00 p.m. in the Senate Chamber at Legislative Hall.
 - March Meeting – Thursday morning, March 16, 2017, from 9:30 to 11:30 a.m., in the Senate Hearing Room, 2nd floor, Legislative Hall.
 - April Meeting – Thursday morning, April 20, 2017, from 9:30 to 11:30 a.m., in the Senate Hearing Room, 2nd floor, Legislative Hall.
 - May Meeting – Thursday morning, May 18, 2017, from 9:30 to 11:30 a.m., in the Senate Hearing Room, 2nd floor, Legislative Hall.
 - September Meeting – Thursday evening, Sept. 21, 2017, from 9:30 to 11:30 a.m., in the Senate Hearing Room, 2nd floor, Legislative Hall.
 - November Meeting – Thursday morning, November 16, 2017, from 9:30 to 11:30 a.m., in the Senate Hearing Room, 2nd floor, Legislative Hall.
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Proposals for subjects to be considered by the Commission during 2017:

Review of domestic relations laws of the state:

Chairman Bounds suggested that the Commission review and evaluate the domestic relations laws of the State of Delaware, to look at the changes that have been made to Delaware Family Law since it was first enacted in 1971. He noted that the statute has now been in place for nearly 50 years. He said that one example of a change is the statute dealing with alimony. He said that when the law was first enacted, it was “pretty well understood that when you turned 65, alimony ended.” This is no longer true. “The law of marriage,” he said, “is

now in many ways the law of divorce.” Mr. Bounds added that one of the responsibilities of the Commission is to study and evaluate domestic relations laws, to look at what is there. He said that he would like the Commission to focus on this task during 2017.

Acknowledgment of Paternity by Minors:

Senator Lawson raised the issue of a minor signing a legal document acknowledging paternity without being of legal age. He noted that this matter has been considered numerous times by the Commission in recent years but feels that more work is needed to resolve the concerns surrounding this practice.

Visitation to Family Courts of other states:

Senator Ennis suggested that the Commission consider visiting the family court of another state. He suggested the possibility of visiting the Connecticut Family Court. Ms. McCall said that she had visited the Family Court in Elkton, MD, the county seat of Cecil County, in October, noting that they have court sessions that are open to the public.

Adoption of Uniform Laws:

It was suggested that the Commission look into whether or not the State of Delaware is up to date on the adoption of uniform family law statutes.

ADDENDUM:
**DELAWARE FAMILY LAW COMMISSION ENABLING
STATUTE**

(First enacted on June 14,1984):

§ 2001 § 2002 § 2003 § 2004

TITLE 13

Domestic Relations

CHAPTER 20. COMMISSION ON FAMILY LAW

§ 2001 Creation.

The General Assembly hereby creates a permanent Commission on Family Law.

64 Del. Laws, c. 481, § 1.;

§ 2002 Composition.

The Commission shall consist of 16 citizens of the State and shall have at least 2 members from Sussex County and at least 2 members from Kent County. At least 2 of the members of the Commission shall be attorneys licensed to practice law in Delaware, at least 1 member shall be a judge of the Family Court of the State; 2 members shall be members of the House of Representatives, with 1 from each of the 2 major political parties represented in the House; 2 members shall be members of the Senate, with 1 from each of the 2 major political parties represented in the Senate; at least 1 member shall be a pediatrician licensed to practice in this State, at least 1 member shall be a board certified family-practice physician licensed to practice in this State, and at least 1 member shall be a psychologist licensed in this State specializing in the psychology of children when appointed.

64 Del. Laws, c. 481, § 1; 65 Del. Laws, c. 175, §§ 1, 2; 66 Del. Laws, c. 386, § 1; 72 Del. Laws, c. 153, § 1.;

§ 2003 Appointment; terms of office.

The members of the Commission shall be appointed jointly by the President Pro Tempore of the Senate and the Speaker of the House of Representatives who shall designate 1 member of the Commission to serve as Chairperson during his or her term of office.

(1) Initial members. — Nine members of the Commission shall be appointed to take office on September 1, 1984. Three of them (including the Chairperson) shall be appointed for a term of 3 years; 3 of them for a term of 2 years and 3 of them for a term of 1 year.

(2) Additional members. — Two additional members shall be appointed to take office September 1, 1985, in order to increase the membership of the Commission from the initial 9 members to 11 members. One of the additional members shall be appointed for a term of 2 years and the other shall be appointed for a term of 3 years.

(3) Subsequent members. — After the initial appointment of members and the additional members of the Commission, the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall appoint sufficient new members of the Commission each year for a 3-year term so that the membership totals 16 citizens. They shall also jointly appoint members of the Commission to complete the remaining portion of the term of a member who has resigned or has been removed from the Commission.

(4) Term of office. — Initial members of the Commission shall serve for the term of office designated in their appointment. Subsequent members shall serve for a term of 3 years. Members of the Commission may be removed by a majority vote in the House and Senate with or without cause.

(5) Officers. — The Chairperson of the Commission shall appoint a Vice-Chairperson and Secretary of the Commission and such other officers of the Commission as the Chairperson deems necessary or desirable to assist the Commission in performing its duties, all to serve at the pleasure of the Chairperson.

(6) Compensation. — No member shall receive any compensation for his or her service on the Commission, but members may be reimbursed from time to time for their expenses in connection with the Commission's activities.

64 Del. Laws, c. 481, § 1; 65 Del. Laws, c. 175, §§ 3, 4; 66 Del. Laws, c. 386, § 2; 70 Del. Laws, c. 186, § 1; 72 Del. Laws, c. 153, § 2.;

§ 2004 Purpose; powers; duties.

The Commission shall study and evaluate the domestic relations laws of the State and the rules and procedures of the Family Court, review legislation affecting domestic relations law introduced in the General Assembly and Family Court rules and procedures, disseminate information about family law to the citizens of Delaware and engage in such other activities as it may deem appropriate in connection with the study, analysis, review and dissemination of information concerning family law. In furtherance and not in limitation of the foregoing, the Commission may:

- (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) Publish and disseminate information concerning family law to the public.

The Commission shall meet at least 4 times each year and shall report to the General Assembly its activities and recommendations at least once every year on or before March 15. The Commission shall not engage in the practice of law, shall not give legal advice of any kind to individuals about their rights or responsibilities (other than

publishing and disseminating comments about existing or proposed legislation or Family Court rules and procedures) and shall not intervene, directly or indirectly, in any case pending in any court.

64 Del. Laws, c. 481, § 1.;