

Minutes
Family Law Section of the Delaware State Bar Association
September 26, 2019 at 4:00 p.m.
Bayard, P.A.

Meeting called to order at 4:02 p.m.

Members present: Curtis Bounds, Jill DiSciullo, Shauna Hagan, Judy Jones, Megan McGovern, Leslie Spoltore, George Tsakataras

Members present telephonically: Addie Asay, Erin Brignola, Shawn Dougherty, Craig Fitzgerald, Carl Heckert, Staci Pesin, Seth Thompson, Tyler Waad, Julie Yeager

I. Good and Welfare

- a. Pattie Weir, Esquire has joined The Yeager Law Firm LLC as of September 1, 2019. Her new email address is pattie.weir@yeagerfamilylaw.com.
- b. Congratulations to Janice Tigani on the birth of her twin grandchildren, Maddie and Will, on September 3rd.
- c. Thank you to all of the members who presented at the Fundamentals of Family Law CLE on September 18th.

II. Liaison Issues

- a. If we retain jurisdiction for property division, but reach an agreement prior to the entry of the divorce decree, will the fee be transferred automatically or are we required to file a formal motion requesting? Per Addie, we are required to file a Motion to Transfer the Fee.
- b. If we are filing a Stipulation to Incorporate and will need QDROs, do we also need to retain jurisdiction for ancillary matters? Addie is looking into this issue and will advise at the next meeting.
- c. Section members expressed issues with the Court scheduling mediation before the time has passed for the respondent to file an answer. Per Addie, if an Entry of Appearance is filed by counsel after notice of mediation is sent, the Court's policy is for the mediator to contact attorney directly to confirm availability or reschedule mediation.
- d. Per section member, private TPR dates are being moved back to lack of counsel appointed for biological parents. Per Addie, the Court is working on a new tickle system for chambers, will look into adding internal check for assigning counsel to parents in private TPR.
- e. Per section members, counsel is not receiving child support order after issued.

III. Other Business and Announcements

- a. 2019-2020 Section Goals – The Executive Committee met to establish some goals for the section this year. Executive Committee agreed on the following goals:

- i. Increase attendance at section meetings and foster a more collegial atmosphere – to that end, wine/beer will be served at section meetings.
- ii. Keep the section up-to-date on legal developments by:
 - 1. Reinstate the legislative committee
 - a. Leslie, Judy and George volunteered. Anyone interested in joining legislative committee, please contact Megan.
 - 2. Supreme Court case summaries re: Family Law Cases
 - a. Leslie, Jill and Shawn volunteered to provide case summaries at Section meetings. Anyone interested in providing summary, please contact Megan.
- iii. Participate in a well-organized service project
 - 1. Mark your calendars for April 9, 2020 Emmanuel Dining Room service event. Details to follow.
- iv. Offer a CLE that is interesting to the general population of the DSBA – Anyone with ideas please contact Megan McGovern
- v. Have one of our members write an article for the Journal – Anyone interested in writing, please contact Megan McGovern

IV. Calendar of Upcoming Events

- a. November 21, 2019 – Pre-Admission Conference table
- b. December 13, 2019 - 2019 Family Law Update
 - i. Judy and Leslie volunteered to assist with planning Family Law Update. If anyone has ideas for presentation topics, please contact Megan McGovern
- c. April 9, 2020 – Emmanuel Dining Room Service Event

V. Food for Thought

- a. Daskin v. Knowles
- b. Duncan v. Smith & Duncan

VI. Next Meeting: The next Section meeting will be held at 4:00 p.m. on Thursday, October 24, 2019 at Bayard, P.A.

Minutes of the Family Law Section of the Delaware State Bar Association

October 24, 2019 at Bayard, P.A.

In Attendance: Megan McGovern, Curtis Bounds, Kara Swasey, Leslie Spoltore, Shauna Hagan, Jill Spevack DiSciullo.

On the Phone: Staci Harpell, Kathy Laffey, Alyssa Kelly, Candice Holmes, Marta Dybowski, Tyler Waad, Suzanne Seubert, Julie Yeager, Shawn Dougherty.

1. Minutes from the previous meeting were approved.
2. **Good and welfare:**
 - a. Megan McGovern and Jerry Dougherty are engaged. Congratulations!
 - b. Judge Barbara Crowell is receiving the J. Thompson Brown Award for a lifetime commitment to assuring the safety, permanency and well-being of Delaware's children. The award is bestowed by Children and Families First at the Champions for Children Event on November 20, 2019. Information about purchasing tickets to the event is attached to the minutes.
3. **New Business/Announcements:**
 - a. Liaison Issues: Self represented litigants have been asked to file their disclosure reports with their petition. It seems, then, that the petition does not include requests for relief or specific allegations. Instead, those asks and allegations are in the disclosure report and there is no ability to respond.
 - b. Legislative Committee: Chapter 59 of Title 10 was modified to give Family Court jurisdiction over name changes for minors, effective September 28, 2019.
 - c. Modification of Standard Contact Guidelines Committee has been reactivated by vote of the section. The Committee includes Kathy Laffey, Kara Swasey, Shawn Dougherty and Megan Walstrom.
4. **Upcoming Events:**
 - a. November 1, 2019: Supreme Court Review CLE including Shawn Dougherty, Esq.
 - b. November 21, 2019: Preadmission Conference (Family Law Section will have a table)
 - c. December 14, 2019: Family Law Update CLE
 - i. The chair is soliciting ideas for CLEs. Ideas include drug testing, psychological evaluations, and international custody.
 - d. April 9, 2020: Emmanuel Dining Room Volunteer Event
5. **Case Law Review (see attached)**
 - a. Tower v. Fowler
 - b. Harold v. Harold
6. **Next meeting:** November 21, 2019 at 4:00 p.m.

Minutes of the Family Law Section of the Delaware State Bar Association

November 21, 2019 at Bayard, P.A.

In Attendance: Megan McGovern, Curtis Bounds, Kara Swasey, Leslie Spoltore, Shauna Hagan, Jill Spevack DiSciullo, Janice Tigani, Seth Thompson, Addie Asay, Kathy Laffey. On the Phone: Alyssa Kelly, Candice Holmes, Tyler Waad, Shawn Dougherty, Robert Kleiner, Steve Kleiner, Patty Weir, Erin Brignola.

1. Minutes from the previous meeting were approved.
2. Good and welfare:
 - a. DFS has moved its offices from Beech Street to the Churchman's Corporate Center, 92 Christiana Road, New Castle, DE 19720. The phone numbers remain the same.
 - b. Mimi Boudart's husband is unwell. Please keep him in your thoughts and prayers.
 - c. Jen Hartnett's husband is feeling much better.
3. New Business/Announcements:
 - a. Liaison Issues:
 - i. The adoption/tpr forms are not compliant with the ever-changing adoption and TPR laws and if you rely on the forms, you will likely receive a deficiency notice. The forms are under review at Family Court.
 - ii. Website issues: The Motion for Contempt of PFA is a PDF and is not fillable. Please let the Liaison know if you see issues like this or if there are forms that are improperly formatted such that information cannot be added.
 - iii. Mediations are being scheduled prior to the answer deadlines and the mediators are not being generous with continuances.
 - b. Legislative Committee:
 - i. Parenting Coordination Draft Bill- There was a brief discussion about the bill. The Section will have a special meeting at the Family Law Update on December 13, 2019 for further discussion and vote.
 - ii. Revocation Upon Divorce- The Trusts and Estates Section asked for the Family Law Section input on their potential revocation upon divorce. The members in attendance were against such a statute.
4. Upcoming Events:
 - a. December 13, 2019: Family Law Update CLE
 - b. April 9, 2020: Emmanuel Dining Room Volunteer Event
5. Case Law Review (see attached)
 - a. Naccari v. Quails
 - b. Whitewoof v. Henderson
6. Next meeting: December 19, 2019 at 4:00 p.m. at Bayard, P.A.

Minutes of the Special Meeting of the Family Law Section of the Delaware State Bar Association

December 13, 2019 at Christiana Hilton, Newark, Delaware

In Attendance: Megan McGovern, Kara Swasey, Achille Scache, Commissioner Emily Farley, Marta Dybowski, George Tsakataras, Keith Horner, Leslie Spoltore, Shauna Hagan, Jill Spevack DiSciullo, Seth Thompson, Addie Asay, Kathy Laffey, Judy Jones, Staci Harpell, Megan Walstrom, Bonnie Copeland, Judge Felice Kerr, Dean Betts, Timothy Hitchings, Candace Holmes, Bonnie Gladu, Michelle Berkley-Ayres, Tabatha Castro, Sean Lynn.

1. A special meeting was held to discuss the proposed parent coordination legislation. The legislative sub-committee recommended that the section support a parent coordination bill, but not this specific draft. After some discussion, a motion passed to table the discussion and continue to work on proposed changes to the bill. Rep. Sean Lynn (a sponsor of the bill) offered to put the sub-committee in contact with the drafters.
2. Next meeting: December 19, 2019 at 4:00 p.m. at Bayard, P.A.

Minutes of the of the Family Law Section of the Delaware State Bar Association

December 19, 2019 at Bayard, P.A.

In Attendance: Megan McGovern, Seth Thompson, Addie Asay, Alyssa Kelly, Jill DiSciullo

1. Minutes from the November section meeting were approved.
2. Good and Welfare:
 - a. Mimi's Husband passed away on December 3rd – the Section will make a donation to the St. Vincent de Paul Society at St. Mary Magdalen Church in Don's memory
 - b. Thank you to all who presented at the 2019 Family Law Update.
 - i. Melissa Kucinski provided the websites for resources she referenced in her presentation. They are:
www.hcch.net (the Hague Conference on Private International Law)
www.travel.state.gov (the US Department of State's child abduction materials)
www.ncmec.org (the National Center for Missing & Exploited Children)
www.iss-usa.org (International Social Service's US Branch)
3. New Business/Announcements:
 - a. Liaison Issues:
 - i. Call Center will not tell attorneys if there are attorneys on the other side of a case for purposes of serving Entry of Appearance. Addie will discuss with them.
 - b. Legislative Committee:
 - i. Committee will work with Rep. Sean Lynn regarding Parenting Coordination Draft Bill.
 - ii. Committee has been asked to review arbitration statute, especially with regard to enforcement of arbitration orders
4. Upcoming Events:
 - a. April 9, 2020: Emmanuel Dining Room Volunteer Event
 - b. TBD: Matusciewicz CLE Panel
5. Case Law Review (see attached)
 - a. Whitmore v. Robinson
6. Next meeting: January 23, 2020, 4:00 p.m. at Bayard, P.A.