

Family Law Section of the Delaware State Bar Association
September 30, 2021 at 4:00 p.m. at The Yeager Law Firm LLC
(2 Mill Road, Suite 105 Wilmington, DE 19806)
Conference Line (857) 357-0254 Access Code: 444805

Meeting Minutes

1. Roll call of participants by telephone and announce who is in the room
-Staci Harpell, Dana Reynolds, Pattie Weir, Julie Yeager, Zack Berl, Leslie Spoltore, Alaina Chamberlain, Candace Holmes, Kathy Laffey, Erin Brignola, Alyssa Kelly, Shauna Hagan, Tyler Waad, Addie Assay, Dean Betts
2. Good and Welfare
-Open invitation by Kathy Laffey Wed. 10/20/21 5-7 pm for Whitbeck Bennet reception
3. Liaison Issues
 - a. Any liaison issues - *none*
 - b. Any liaison announcements
 - Family Court moving forward with 3rd annual mediation training by Zoom – registration information comes out next week – full day 10/22/2021; There will also be a half day program (for new family law mediation practitioners) on 10/21/2021 in afternoon starting at 1 p.m. until 4:30 pm*
 - Family Court also celebrates its 50th anniversary; books are available at no charge upon request*
 - In person vs. remote hearings; Everything continues to be in some flux but there are general presumptions based on certain case type, i.e., default is remote for mediations; Judicial officers have discretion to determine in person or remote; Form 585 is new form to notify that an attorney or party will appear in person; Form 584 is form to request to appear remote when notice is for in person hearing; Questions can be directed to Addie Assay*
 - Family Court staff is making a herculean effort every day*
4. Previous Business
 - a. Contact Guidelines Committee - Kathy Laffey
-Waiting for an update to be circulated
5. New Business and Announcements:
 - a. Ad Hoc Committee for Child Support Formula Review
 - i. Chief Judge Newell seeking a designee for the committee representative of the Family Law Section of the State Bar Association
 - ii. Any volunteers or nominations
 - Ash Scashe & Alaina Chamberlain*
 - Written ballots to be submitted to Pattie Weir by 5 pm today*
 - Pattie Weir will reach out to CJ Newell regarding 2 designees*
 - iii. Vote
 - b. Family Law Program at the Law Library in the Courthouse

- i. Volunteers needed *for 11AM-1PM on Thursdays; Great opportunity to create new clients; Currently only 2 volunteers at this time*
 - ii. Free 15 minute consultations; *Forms have been prepared for easy intake*
 - iii. If interested contact Dave at david.brezenski@delaware.gov
- c. ACLU of Delaware research project on the judicial bypass process for minors seeking to avoid notifying their parents of abortion access
 - i. If any experience please contact Nick Beard at (302) 434-0046 or beardn@gmail.com
- d. Family Law Update Committee
 - i. If interested in joining please contact Pattie at pattie.weir@yeagerfamilylaw.com

-Date for Update is 12/10/2021
- e. Legislation
 - Nothing new (per Leslie Spoltore)*
 - Leslie will continue to update Section*
- f. Family Court Rules Committee Update
- g. Family Court Practice Guidelines Committee Update
 - Kara Swasey advised Committee has not met again since COVID/on hold*
 - Addie Assay advised regarding bill to permit legal publication online for all matters for which publication is otherwise permitted – hopes to go into effect 1/1/2022*
 - TPR statute should be signed*
- h. Family Court Technology Committee Update
 - Kara Swasey will update at a later date*
- 6. Calendar of Upcoming Events:
 - a. Open invitation to WhitbeckBennett Reception celebrating the First Anniversary of the Delaware Office and the selection of Kathryn J. Laffey as one of the Top Lawyers in Family Law by Delaware Today – October 20, 2021 from 5:00 p.m. to 7:00 p.m. at the Delaware Center for Horticulture (1810 N. Dupont Street, Wilmington, DE 19806)
 - i. Please notify Kathy (klaffey@wblaws.com) if attending
 - b. Next section meeting – Thursday, October 28, 2021 at 4:00 p.m.
 - c. Family Law Update 2021 – Save the Date - December 10, 2021
- 7. Food for Thought
 - a. Case Law Report
 - Dean Betts: Judge Millman informed counsel in a case that as of 9/14/2021 the Model Relocation Act factors (not Act itself) went into effect (HB 136 signed by Governor) and will be included in Section 734 of Title 13 for determinations regarding relocation; The factors are required to be considered by the Court*
 - b. Cases of Interest
- 8. Adjournment

-Motion to adjourn by Julie Yeager, Seconded by Dana Reynolds, no objections (4:51 pm)

Family Law Section of the Delaware State Bar Association
October 28, 2021 at 4:00 p.m. at The Yeager Law Firm LLC
(2 Mill Road, Suite 105 Wilmington, DE 19806)
Conference Line (857) 357-0254 Access Code: 444805

Meeting Minutes

1. Roll call of participants by telephone and announce who is in the room
 - a. Present: Megan Walstrom, Leslie Spoltore, Gretchen Knight, Bonnie Copeland, Dana Reynolds, Kara Swasey, Jen Mensinger, Addie Assay, Megan McGovern, Zach Berl, Dean Betts, Bonnie Gladew, Kathy Laffey, Julie Yeager, George Tsakataras, Alyssa Kelly
2. Good and Welfare
 - a. Jill's son is graduating from Ft. Wood basic training today!
 - b. Vernon & Jay & Lauren Brown passed the bar!
 - c. Shannon Shropshire (Judge Buckworth) is retiring. Dawn Vasquez his judicial case manager will be his new secretary. All communication with his office should now go through Dawn at Dawn.Vasquez@delaware.gov
 - d. Darlene Washington (Judge Millman) also retiring.
 - e. Theresa Hayes got the vacant judicial position
3. Liaison Issues
 - a. Any liaison issues
 - i. Subpoenas at the court don't reflect current rule changes. Should have been updated already. Addie to follow up. If you have old subpoenas, you don't need to swap out, but you can if you want to.
 - ii. Not getting notice when people aren't served, or deficiencies, etc. Addie: we need to understand there are processing delays. We have 30 actual vacancies. Doesn't take into account people that are on leave. So there will be delays. But Addie is happy to check case-by-case basis.
 - iii. PFA case reviews/scheduling – Court is requiring us to hold a full day for PFA hearings and it's making it difficult to take PFA cases. Addie: there is a PFA work group working on processes. Issue has been brought up to that group, believe they are doing what they can to rectify. George suggests that the court check with attorneys for scheduling of PFAs.
4. Previous Business
 - a. Contact guidelines committee – changes highlighted in blue; points of clarification in green
 - i. Discussion re: file motion for counseling where child resists.
 - ii. Discussion re: forced sending children to daycare
 - iii. Next Committee Meeting: 11/15/21 at 4pm via Zoom – link to follow
5. New Business and Announcements:
 - a. Molly Shaw – Deputy Child Advocate with OCA

- i. Seeking an attorney barred in NJ to help her and DFS file a petition to open a sealed adoption record. She represents 2 teen girls who were adopted from NJ as young children, and they have both been in DFS custody with their adoptive mom's rights terminated for several years now. They are hoping to find some info about bio family to explore potential permanency options or even just supports for these girls. It would be great if someone were willing to do this pro bono. Thanks for any assistance you can provide!
 - ii. Please contact Molly Shaw at Molly.Shaw@delaware.gov if you can be of any assistance.
- b. Ministry of Caring - Priscilla Rakeshaw
 - i. 2021 giving project for the Ministry of Caring/Emmanuel Dining Room.
 - ii. Devastation due to flood
 - 1. Send out letter and urging – with URL to watch Count Me in Again! on Thursday, November 4, 2021 at 7:00 p.m.
 - 2. Extra persons coming to dining room. Trying to raise extra money for food.
 - 3. Turkey THON – thanksgiving dinner – seeking extra turkey
 - 4. Adopt a child – qualified children - 1,000 children for Christmas – no gifts only gift cards – parents do the shopping
- c. Family Law Update Committee
 - i. If interested in joining please contact Pattie at pattie.weir@yeagerfamilylaw.com
- d. Legislation Subcommittee
 - i. CPAC Legislation – previously reviewed, subsequent changes to section 912(c)
 - 1. Release of information – new change removes subpoena as way to release CAC interview
 - a. The CAC spends time when get subpoenas, suggestion to remove language regarding need for subpoena
 - b. Method to obtain would be via Court Order - would file a motion with Court seeking records related to forensic interview and request in camera review
 - 2. Section voted to oppose if not given additional time to review and discuss
 - ii. If interested in joining please contact Leslie Spoltore
- e. Family Court Rules Committee Update
 - i. See updated rules – changes effective 12/1/2021
 - ii. Some noted changes:
 - 1. Rule 5: excluding petitions, service upon the attorney or party shall be made in a manner reasonably calculated to deliver before or at the time of filing, e.g., by email.

2. Rule 53.1: the responding party now has 20 (instead of 10) days to file an answer to the request for review of commissioner's order.
3. Rule 77: Orders shall include the date the evidence closed and the date the order was filed.
4. Rule: 87.2: a petition will be heard in the county where it was filed unless: a motion is filed and granted, the court on its own changes the venue, or the petitioner designates a different county on the caption than where it was filed. A petition filed in the incorrect county shall be transferred to the correct county, and not dismissed.
5. Rule 90.1: how the court will handle confidential addresses
6. Rule 101: you can reference a previously filed marriage certificate in your petition for divorce (substitution by reference).
7. Rule 104.1: You do not need to wait to receive the Notice of Trial Readiness to file the request to proceed without a hearing if the case is ready for trial.
- f. Family Court Practice Guidelines Committee Update
- g. Family Court Technology Committee Update
6. Calendar of Upcoming Events:
 - a. Next section meeting – Thursday, November 18, 2021 at 4:00 p.m. by Zoom
 - b. Family Law Update 2021 – Save the Date - December 10, 2021
7. Food for Thought
 - a. Case Law Report
 - b. Cases of Interest
 - i. Custody lately –
 1. Judge Much (shared placement)
 2. Judge Ranji (safety)
8. Adjournment

Family Law Section of the Delaware State Bar Association

November 18, 2021 at 4:00 p.m. by Zoom

MEETING MINUTES

1. Attendees
 - Pattie Weir, Dana Reynolds, Staci Harpell, Addie Asay, Bonnie Copeland, Candace Holmes, Leslie Spoltore, Bonnie Gladu, Christofer Johnson, Gretchen Knight, Kathy Laffey
2. Good and Welfare
 - Congratulations to Jill Spevak Di Sciullo who received Christopher White Access to Justice Commitment Award!
3. Liaison Issues
 - Subpoenas have been revised in draft but the Court does not want to reissue subpoenas in triplicate; Court is planning to reissue in a single page form; Litigants can continue using the existing subpoenas at this time
 - Amended rule regarding service by email (except for petitions)
 - The Rules committee is almost finished with its work
 - Ongoing discussions regarding delays in mailings by the Court after issuance of notices; Mediators will be more lenient in continuing/postponing mediations
 - When new rule changes become effective Dec 1, 2021, email is effective for service of motions. There is confusion regarding whether email service permits for the additional 3 days for service by mail; Rule 79.1 addresses electronic filing and 79.1(i) allows the additional 3 days for electronic service in accordance with Rule 6(d) re additional time after service by mail.
4. Previous Business
 - a. Contact Guidelines Committee
 - Kathy Laffey provided an update. The committee has come to a consensus, but they have not come to a formal vote yet. Possibly will be able to present this at the upcoming Family Law Section Update but certainly will have a vote by January 2022. The plan is to clean up holidays and times for holiday exchanges and provide further consistency; also will recognize difference between shared residential arrangements and consequences for late exchanges where there is a primary residential placement.
5. New Business and Announcements:
 - a. Holiday Gift Collection for Children in Foster Care - the Department of Justice is again collecting gifts for children in foster care for the holiday season. The Amazon wish list has been updated with gifts requested by the children. https://www.amazon.com/hz/wishlist/ls/1MNNS8IFWCTSU?ref=wl_share

- b. Ministry of Caring - Priscilla Rakeshaw
 - i. 2021 giving project for the Ministry of Caring/Emmanuel Dining Room.
 - ii. Adopt a child – qualified children - 1,000 children for Christmas – no gifts only gift cards – parents do the shopping
- c. Family Law Update Committee
 - i. Family Law Update Case Law Report Help Needed - We need assistance finishing the case law summaries for the Case Law Update. If you are willing and able to summarize some cases, please email Chantel Rhoads at CRhoads@bayardlaw.com.
 - 1. There are approx. 40 cases remaining for summarizing for the Case Law Update.
 - Dana Reynolds, Megan McGovern and Pattie Weir are finalizing agenda. We are encouraging presenters and attendees to attend in person but there is an option at registration to participate via Zoom. There will be catered breakfast and lunch. The Family Law Update will occur on December 10, 2021.
- d. Legislation Subcommittee
 - i. If interested in joining please contact Leslie Spoltore
 - New change in proposed legislation §909 - the fact that DFS is doing an investigation cannot be used as evidence at trial if DFS is not involved in the case will be stricken in the proposed legislation per the request of the Family Court
 - Proposed §912 – Section supports deleting proposed subsection (b)
 - The multidisciplinary group that has reviewed the current draft will be revising the in-camera review piece of hours and hours of CAC interviews; this in-camera review will be re-evaluated. One option is to permit attorneys to come into the Court to review those interviews themselves. However, this does not consider pro se litigants. This is a work in progress so no new vote today for the Family Law Section.
 - Section members want to make sure that there is subpoena power and that these requests can be addressed timely.
- e. Family Court Rules Committee Update
 - No new updates
 - Gretchen Knight and Judge Kerr will be presenting the new rule changes at the upcoming Family Law Update
- f. Family Court Practice Guidelines Committee Update
 - No new updates
- g. Family Court Technology Committee Update
 - No new updates
- 6. Calendar of Upcoming Events:
 - a. Family Law Update 2021 –December 10, 2021
- 7. Food for Thought

- a. Case Law Report
 - No new updates
 - b. Cases of Interest
 - No new updates
8. Adjournment
- Bonnie Copeland motioned to adjourn, Kathy Laffey seconded the motion and Pattie Weir adjourned

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

January 27, 2022 via Zoom Videoconference

1. Roll call of participants by telephone and announce who is in the room
Pattie Weir, Dana Reynolds, Mark Hudson, Commissioner Fitzgerald, Ping Xu, Addie Asay, Kathryn Laffey, Pete Clark, Alyssa Kelly, Tyler Waad, Bonnie Gladu, Bonnie Copeland, Carl Heckert, Jen Mensinger, Commissioner Blount, Tabatha Castro, Leslie Spoltore, Jill DiScuillo, Gretchen Knight
2. Good and Welfare
3. Liaison Issues
 - a. Any liaison issues
 - i. Family Court Interpreters not provided in ancillary cases with private attorneys
 1. The 2016 AOC Court Interpreter Program Policy Directive (link below) provides that interpreters are provided for all in-court civil matters in Family Court with the exception of ancillary matters where there is a private attorney. Any request to deviate from the policy would need to be considered by the assigned Judge.
 2. <https://courts.delaware.gov/aoc/courtinterpreter/>

Discussed concern regarding this policy as it applies to access to justice and indigent parties. This guideline does not apply with respect to American Sign Language under the ADA.

- ii. Family Court Legal Notices
 1. Form 241 Affidavit that a Party's Address is Unknown
 - a. Now check box option "I am requesting that the Court publish notice of this action on its legal notices website at no cost to me."

Section discussed need to file a motion for a special process server if address is actually known but difficulty obtaining personal service.

 - b. Can also still elect to publish in the newspaper but responsible for cost
 2. Form 244 and 244gu Litigant Instructions for Publication
 - a. Top box addresses that Family Court now permits publication on its Legal Notices Website via form 241
 3. <https://courts.delaware.gov/family/notices.aspx>

iii. Clerk of the Court notarization

1. Any thought to issuing stamps to Clerk of the Court similar to Notary that identifies their name and authority?

Discussed concern regarding possible forged signature of Clerk of the Court when there is no notary stamp and the signatures is not clear. Addie Assay will look into this issue and report back at next meeting.

b. Any liaison announcements

- i. The Court will be extending remote hearings as described in the January email to the Section through April.
 1. January email attached

Idelis Espino, Supervisor of Case Managers, can be contacted regarding remote hearing information for Commissioner hearings. Idelis.Espino@delaware.gov. Updated email addresses for Court submissions will be circulated.

4. Previous Business

a. Contact Guidelines Committee

Committee has reached a consensus. The most recent update of the Contact Guidelines will be circulated to Section prior to next meeting.

5. New Business and Announcements:

a. Legislation Subcommittee

- i. If interested in joining please contact Leslie Spoltore
- ii. MDT Legislation

Thank you to Mark Hudson from the CPAC legislative committee. The process for accessing records from CAC can be cumbersome. This began as an effort to specify as to what this process should look like. The idea was to remove the CAC from the process to avoid subpoenas for records. It is designed to address only civil cases. Past meetings this section has been concerned with the length of time this process might take. This legislation makes it clear that CAC will not accept subpoenas for records and instead attorneys would need to file a motion and DOJ would have opportunity to response. If the prima facie showing is made, then order to CAC to issue records to Family Court for confidential review. If based on confidential review the Court determines the

requirements are met, then the Court can permit access. Confidential review is not defined. This might include option for attorney review at Court constituting confidential review.

Mark Hudson, Deputy Child Advocate, has been working on the legislation. Historically, the CAC viewed as custodian of records but not owner of records. The DOJ is the owner of the records. This is a process for obtaining the records.

Length of time of process: Is court willing to put time frames? Court is not interested in placing statutory timelines for this process. Judges are motivated to move these cases forward, so there is no concern by the Court for the timeframe.

Relevance standard: Is this a trial standard or a discovery standard? Court has no comment. This would be open to Court interpretation. Section is interested in applying a discovery standard/Rule 26.

Best interest standard: Concerns that this could create a custody case before a custody case, is this 722 standard, and other considerations? This would likely be a liberal interpretation of the child's best interest.

Section expressed interest in keeping ability to subpoena these records.

Any additional questions or concerns can be directed to Mark.

- b. Family Court Rules Committee Update
- c. Family Court Practice Guidelines Committee Update
- d. Family Court Technology Committee Update
- 6. Calendar of Upcoming Events:
 - a. Next Section Meeting –Thursday, February 24, 2022 at 4:00 p.m. via Zoom
- 7. Food for Thought
 - a. Case Law Report
 - b. Cases of Interest
- 8. Adjournment

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

February 24, 2022 via Zoom Videoconference

1. Roll call of participants
 - a. Pattie Weir, Dana Reynolds, Megan McGovern, Carl Heckert, Kara Swasey, Kathy Laffey, Addie Asay, Dean Betts, Bonnie Gladu, Tyler Waad, Jen Mensinger, and Megan Walstrom
2. Good and Welfare
 - a. If anyone is looking for a paralegal to join their team, please contact Staci Harpell and she can put you in touch with the paralegal
 - b. Megan Tagle has left Bayard. The new contact is Megan Green (mgreen@bayardlaw.com). Please now copy Megan Green in place of Megan Tagle
3. Liaison Issues
 - a. Any liaison issues
 - i. Process and Service
 1. Things getting lost and taking a long time to go out for service
 2. Staff shortages remain
 - ii. Staff and other Judges are covering Judge Coonin's office while he is out
 - iii. Staff shortages significant at Family Court
 1. Best case, Court has 75% of staff on a daily basis
 2. Court is moving resources to triage as needed
 3. Timelines from prior to COVID no longer realistic; should be advising Clients of Court's short staff and to expect delays
 - iv. Be strategic when reaching out/following up with the Court
 1. Recommend not copying several people as then wasted resources multiple people looking into the same issue
 - b. Any liaison announcements
 - i. The Court will be extending remote hearings as described in the January email to the Section through April.
 - ii. Are attorney's experiencing delays with Client's access to mental health services?
 1. YES
 - a. Long wait lists, difficult to get call backs, significant therapist turn over, etc.
 - b. If additional experiences please contact Addie
 2. Addie and Judge Ranji are reaching out to PBH
4. Previous Business
 - a. Contact Guidelines Committee
 - i. Review committee's proposed contact guidelines
 1. Holidays times – discussed making more overnights

2. Communication – discussed quad state, removing from community, number of overnights
 - a. Options – seeking feedback from section:
 - i. Notification needed for every overnight outside of the home
 - ii. Notification needed for more than one overnight outside of the home
 - iii. Notification needed if overnight outside of a set distance or parameter from the home(example mile radius from home)
5. New Business and Announcements:
 - a. Legislation Subcommittee
 - i. If interested in joining please contact Leslie Spoltore
 - b. Family Court Rules Committee Update
 - c. Family Court Practice Guidelines Committee Update
 - d. Family Court Technology Committee Update
6. Calendar of Upcoming Events:
 - a. Next Section Meeting –Thursday, March 24, 2022 at 4:00 p.m. via Zoom
7. Food for Thought
 - a. Case Law Report
 - b. Cases of Interest
8. Adjournment

Minutes of the Family Law Section of the Delaware State Bar Association
March 24, 2022 via Zoom Videoconference

1. Roll call of participants
 - a. Judy Jones, Bonnie Gladu, Jen Mensinger, Leslie Spoltore, Julie Yeager, Megan McGovern, Ashley Bickel, Michelle Skoranski, Tyler Waad, Megan Walstrom, Dana Reynolds, Gretchen Knight, Janine Howard, Phyllis Scully, Kathy Laffy
2. Good and Welfare
 - a. Megan Tagle has left Bayard. The new contact is Megan Peronti (Mperonti@bayardlaw.com). Please now copy Megan Peronti in place of Megan Tagle
 - b. New assistant for Leslie Spoltore - Michelle Abraham (michelle.abraham@obermeyer.com)
 - c. Erin K. Bringola
 - i. As of March 25, 2022 Erin will no longer be with CooperLevenson, PA. Starting 4/4/22 she will be with Gellert, Scali, Busenkell & Brown, LLC (1201 N. Orange Street, Suite 300, Wilmington, DE 19806). Her new email address is ebringola@gsbblaw.com
 1. If there are any urgent messages in the week between 3/25/22 and 4/4/22 please send those to Cooper Levenson, PA.
3. Liaison Issues
 - a. Any liaison issues
 - i. Family Court Website chat feature – used it this week, worked well, easy to get case information, petition numbers, and status
 - ii. Call center advised they are still processing petitions from February
 - iii. TPR – not getting order for social report; social report only went to Judge’s office in Kent Co. not advised went there and atty did not receive a copy
 - iv. Service issues – affidavit of unknown address and asking for publication made into word documents, affidavit and request to publish in newspaper (changes to advise do know address but not being served) accepted in Kent Co.
 - v. Legal Notices – website seems to be working well
 - vi. Volunteer attorney for resource center – need assistance, please offer to help if can
 1. DVLS offers malpractice insurance
 2. Contact David Brezenski- David.brezenski@delaware.gov
 - vii. Parent coordinators – prior certification process, Judges might be ordering it, anyone still certified
 1. Rachel Brandenburg, Kathy Laffey, Tim Hitchens
 2. 5 day (16 hour training) AFCC website
 3. Some doing it through mediation

4. Previous Business
 - a. Contact Guidelines Committee
 - i. Paragraph 11 – must be a parent picking up unless other parent agrees
 - ii. Paragraph 12 – delivery to school is this the appropriate place
 - iii. Paragraph 10 – communication – consider adding language that parent not interfere with custodial parent’s time; concerns regarding disclosing travel plans and contact information
 - iv. Paragraph 6 – late pick up – reasonable efforts to exchange at the next possible time, put onus on person that misses the visitation
5. New Business and Announcements:
 - a. Legislation Subcommittee
 - i. HB 264. The Bill proposes a new process through which victims of sexual assault can obtain a civil no contact order through Superior Court.
 1. Concern regarding how affects juveniles
 2. If anyone who has comments or who wants to be on the review committee please contact Leslie Spoltore
 - ii. MDT Legislation
 1. Line 68-69, and 75-78 changed
 - a. Line 68-69 - Standard – relevant “under the Court rules regarding discover”
 - b. Line 75 – service of the motion – DOJ clarified who in the DOJ to send it to SVU in county in which action pending
 2. Does section want to support or oppose; expected we are now at final draft
 - iii. PFA Statute - anticipated changes to clean up statute grammatically also looking to add provision to PFA statute to address coercive financial control
 1. Still waiting for final approval before will be circulated to section
6. Calendar of Upcoming Events:
 - a. Next Section Meeting –Thursday, April 28, 2022 at 4:00 p.m. via Zoom
7. Food for Thought
 - a. Case Law Report
 - b. Cases of Interest
8. Adjournment

Minutes of the Family Law Section of the Delaware State Bar Association
April 28, 2022 via Zoom Videoconference

1. Roll call of participants
 - a. Pattie Weir, Leslie Spoltore, Staci Harpell, Addie Assay, Janine Howard-O'Rangers, Gretchen Knight, Tyler Waad, Bonnie Copeland, Paulette Sullivan Moore, Vernon Vassallo, Alyssa Kelly, Bonnie Gladu, Curtis Bounds, Megan Walstrom, Megan McGovern, Erin Bringola
2. Good and Welfare
 - a. The DSBA Law Day 2022 luncheon is May 2 at noon. The speaker is Kermit Roosevelt III and the awards will be presented to the DE-LAP professional support team, Maria Paris Newill, and Tracy Walls-Pulling (Judge Carpenter's secretary).
 - i. To register, go to www.DSBA.org
 - b. Judge Kerr advised that she likes to have emailed courtesy copies of anything filed, particular responses to motions. "Its really slow and if we don't have courtesy copies of responses we don't know they are filed sometimes for a few days."
3. Liaison Issues
 - a. Any liaison issues
 - i. Pet. for Divorce filed, respondent served and no Answer filed, filed affidavit to finalize, immediately realized not filed parent education certificate, Client out of town course not completed, completed but received certificate to file same day as received final decree of divorce
 1. Is there a concern now that divorce can be overturned?
 2. 1507(h) in any case living children up to 17 Court shall Order that the parties pay for and participate in a parent education course . . .
 3. Curtis briefed – Supreme Court case
 - a. Condition antecedent – Roberts v Roberts
 - i. Distinguishable b/c FC did not err by final decree as Father completed general course but not DV component, but Father never found to be DV necessary
 - ii. Service of process for PFAs
 1. Court must transmit Petition to the Respondent
 2. Concern notice in newspaper is not transmitting the Petition
 - iii. Custodial parent refusing to follow visitation order – police will not get involved, concern lack of processing will be months before addressed in Court
 1. Interference of custody – sever case with DAG involvement
 - b. Any liaison announcements
 - i. Updated Family Court Contact List

4. Previous Business
 - a. Contact Guidelines Committee
 - i. Most recent version to be circulated to the section
5. New Business and Announcements:
 - a. Legislation Subcommittee
 - i. Protection from Abuse – Economic and Financial Abuse
 1. Proposed changes to PFA Statute to address economic and financial abuse
 2. Not yet introduced
 3. Line 20 – was the intention that we are to prove coercion under title 11?
 - a. Two part proof (coercion and interference)
 - b. Coercion proof intended to protect overreach
 - c. No pattern required – could be one-off incident
 4. If further comments or questions, please direct to Janine Howard O’Rangers
 - ii. Enforcement of Family Court Custody Orders
 1. Purpose to address DOJ did not feel authority to enter private property to enforce orders
 2. Consulted chief of police on legislation
 3. Idea is that Family Court order would specify – request assistance of law enforcement
 - a. If included Family Court would provide Order to law enforcement directly
 - b. Addressing large concern in DFS matters
 4. Likely to be standard language in DFS orders
 5. Optional for Judges to issue in custody matters if feel case rises to that level
 - a. Concern from section would this be after a finding is made
 - i. Pros and cons
 - ii. Concern if not exercising order for children’s best interest (example parent under influence of drugs or alcohol) – typically would have contempt action and could cure contempt through proof as to why violated and judge determine if valid reason
 - b. Not anticipated to be common language for custody
 - c. Concern is included in private custody matters, like stipulations between parties
 - iii. MDT Legislation
 1. CPAC meeting next week to take to full committee
 2. If any additional comments please advise Leslie asap
 3. Section taking no formal position
 - iv. HB 264
 1. The Bill proposes a new process through which victims of sexual assault can obtain a civil no contact order through Superior Court.

2. Should jurisdiction be bifurcated between Superior and Family Court?
 3. Concern if respondent is a minor
 - a. If Respondent is a minor jurisdiction in Family Court
 - b. If Respondent is an adult jurisdiction in Superior Court
 4. Concern if victim is a minor
 - a. Would Family Court be better suited to address?
 5. Question as to number of petitions anticipated – how would this burden Family Court?
 6. Paulette Sullivan Moore has upcoming meeting with sponsors or bill to address concern
 7. Section to address HB 264 again at May Section meeting
- v. HB 314
1. Juvenile delinquency
6. Calendar of Upcoming Events:
- a. Next Section Meeting –Thursday, May 26, 2022 at 4:00 p.m. via Zoom
7. Adjournment