

**Minutes (Amended)**  
**Family Law Section Meeting**  
**September 28, 2017**  
**4:00 p.m.**  
**Cooch and Taylor, P.A.**

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**Attendance.**

**In person:** Leslie Spoltore, Shauna Hagan, Julie Yeager, Staci Pesin, Islanda Finamore, Tetra Shockley, Christine Demsey, Achille Scache, Jennifer Mensinger, Erin Brignola, John Spivey, Suzanne Seubert, Renee Duval, Bonnie Gladu

**By phone:** The Honorable Craig Fitzgerald, Addie Asay, Megan Walstrom, Steven Kliner, Robert Kliner, George Tsakataras

**I. Introduction of New Officers:**

- Julie Yeager, Esq. (Chair)
- Staci Pesin, Esq. (Vice Chair)
- Tracy Pearson, Esq. (Secretary)

**II. Good and Welfare:**

- Bayard, P.A. has moved offices to: 600 N. King Street, Wilmington, DE 19801 (as of 10/1/17)
- Yeager Law Firm has moved offices to: 2 Mill Road, Suite 105, Wilmington, DE 19806 (as of 10/1/17)
- Leslie Spoltore is now a partner of Obermayer Rebmann Maxwell & Hippel LLP. Her new address and contact information are 1000 N. West Street, Suite 1200, Wilmington, DE 19801, Tel: (302) 804-1110, E-mail: Leslie.Spoltore@obermayer.com.

**III. E-Courtroom:**

- The new E-Courtroom is located in 2F in NCC. This is a “pilot” courtroom which will serve as a model for four other designated courtrooms state-wide. There are nine (9) Microsoft Surfaces with an overhead projector and camera which are ready for use.
- If you would like to use the E-Courtroom it is important to remember to mention it at your pre-trial conference.
- The E-Courtroom will not be a substitute for trial preparation. Counsel should prepare to also have paper copies of all exhibits.
- It is important to note whether a client may need cell phone and/or other E-Device access at the pre-trial conference as the Court can issue a one (1) page Order allowing a litigant permission to bring in a cellular device through Court security.

**IV. Liaison Issues:**

- Per section member, there are on-going issues related to Microsoft Word update that causes problems entering information into Family Court forms that have merged tables. Microsoft is aware of the issue and there is a support link at: <http://support.microsoft.com/en-us/help/4011039/september-5-2017-update-for-word-201-kb4011039>. Fix is expected on October 3, 2017. Leann Summa at Family Court has been alerted of this issue.
- Renee Cicone has retired from Family Court and obtained a new position at DSCYF. The new Family Court Director of Operations is Alexis Brown (302) 255-0360.
- Per section members, there have been on-going issues regarding continuance requests of mediation conferences. In absence of a policy, the continuance requests are made “at the discretion” of the mediator. Per Addie, Chief Judge Newell has taken this issue under advisement. There are also different practices as to the rescheduling of mediation conferences.
- Addie will check into whether there are administrative holds on the Commissioner’s calendars for scheduling child support matters while the Court is adapting to the new PFA schedule.
- If there are customer-service related issues related to mediation/records unit, contact the Director of Operations (NCC), Melissa Ziegler (Kent), Gary Belcott (Sussex).
- Per section member, it was reported by a mediator during a mediation conference that the Parenting Class is no longer required in a custody case. That is NOT the current rule or court practice.
- Per section member, it was noted that sometimes there is a large time gap between not getting Divorce Decree and information regarding the 16(C) with judicial assignment.
- A Section Member raised the issue of whether Orders should continue to be received by mail if attorney has previously filed to receive Orders electronically. All email related questions should be directed to Connie Turner at Family Court.

**V. Calendar of Upcoming Events:**

- Family Law Fundamentals to be held on October 31, 2017 from 9:00 a.m. to 4:30 p.m. at the DSBA, 405 N. King Street, Wilmington DE.
- Family Law Update will be held on December 15, 2017 from 8:30 a.m. to 4:30 p.m. at the Christiana Hilton, 100 Continental Drive, Newark, DE.
  - All good case law to be included during the Case Law Update should be redacted and forwarded to Kara Swasey, Esquire
  - Family Court has been notified of the Family Law Update and PFA calendars have been moved for the week, and Judges/Commissioners have been asked not to schedule cases on their calendars and to avoid future scheduling conflicts.

**VI. Case Law Update:**

- Family Court cases are continued to be posted to the Delaware Court website.
  - Judge Coonin posted a TPR decision where he denied to terminate parental rights of a Father who had been deported back to Mexico.
  - Ash Scache and Andrew Gonser will argue the constitutionality of the third party visitation statute on 10/18/2017.

**VII. Other Issues for the Good of the Section:**

- Per section member, it is important to examine Judge's Scheduling Orders as some have timetables with deadlines of "5 days" vs. "5 business days."

**VII. Sponsored Happy Hour at Tonic Bar & Grill Immediately after the 9/28 meeting**

- Thank you George Tsakataras for arranging Happy Hour to be sponsored by:
  - 1) Gina McCollum-Chowder of RE/MAX Associates is licensed in DE/PA/MD, (302) 588-9320 or ggmhomes@aol.com.
  - 2) Kristina Norris of Embraced Home Loans is a loan officer licensed in DE/MD/PA/NJ, 800-333-3004 ext. 3858 or knorris@embracehomeloans.com.

**Minutes**  
**Family Law Section Meeting**  
**October 26, 2017 at 4:00 p.m.**  
**The Yeager Law Firm, LLC**  
**2 Mill Road, Suite 105**  
**Wilmington, DE 19806**

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**In person:** Addie Asay, Phyllis Scully, Islanda Finamore, Julie Yeager, Achille Scache, Leslie Spoltore, Shawn Dougherty, Tracy Pearson

**By phone:** Steven Kleiner, Robert Kleiner, Staci Pesin, Alex Corbin, Bonnie Gladu, Megan Walstrom, Rachelle Cutrona, Carl Heckert, Candice Holmes, Tabatha Castro, Steve Kleiner

**1. Good and Welfare**

- Congratulations to Islanda Finamore featured in Delaware Times - Top 40 under 40.
- Former Judge William Walls is accepting cases in mediation.
- Leslie Spoltore will represent the Family Law Section for the Ad Hoc Child Support Review Committee – will be effective 2019. Leslie is willing to accept comments from the Section at upcoming meetings. We will discuss comments at the November meeting as to what the Section's position is for the upcoming guidelines.

**2. E-Courtroom**

- a. 10/2/17 training was held at 12:00 p.m. and 12:45 p.m.
- b. Training was helpful to those in attendance. More training needed. Advanced training in spring or summer?

**3. Liaison Issues**

- a. Section members expressed continued concern regarding the advice being given by Family Court Mediators.
- b. Per section member, there is concern regarding the Melson Formula calculations being performed in mediation, especially with respect to fundamental inputs in the formula (e.g. where do you put income of the parties). Per DCSS/DAG, training for child support has been offered to the Family Court Mediators.
- c. Per section member, there are continued problems with personal comments/opinions made by mediators during custody mediation. This issue is being addressed by the Court.
- d. Per section member, there was a question as to why originals still need to be filed with the Court. Can there be any uniform policy developed regarding submitting electronic copies of Stipulations?
- e. Section member noted that you can have Family Court files transferred from/to another county through records. Contact: Kendra Earvase (NCC Family Court Records)

- f. Several section members raised concern with children who are attending court hearings. There seems to be concern in Sussex County with very young children (as young as 4) being brought to and interviewed by the Court.

#### **4. Calendar of Upcoming Events**

- a. Family Law Section presents Family Law Fundamentals on October 31, 2017 at the Delaware State Bar Association.
- b. Family Law Section presents the Family Law Update on December 15, 2017 from 8:30 a.m. to 4:15 p.m. at the Christiana Hilton located at 100 Continental Drive, Newark, DE. DSBA will mail the Agenda when registration is open.
- c. Other issues related to the Family Law Update were discussed:
  - i. Give gifts to presenters
  - ii. Still working on getting everyone confirmed and the agenda
  - iii. Janice Merrick is the DSBA Liaison if you need to change you email or contact information

#### **5. Publication Opportunity**

- a. Delaware Law Review is looking for content. Anyone interested in publishing should contact Julie Yeager.

#### **6. Case Law Update**

- a. Grant v. Grant (80, 2017) regarding third party visitations issues was argued by Section Member Ash Scache before the Delaware Supreme Court. Delaware Supreme Court reversed the Family Court decision below. The Court's decision has been posted to the Delaware Court's website.
- b. Judge Vari held that costs to attend "school" for children too young to attend public school in Delaware should be analyzed as "child care" instead of "private school tuition." Unpublished decision to be circulated to the Section.
- c. Judge Buckworth issued a decision (ROCO) holding that the step-parent relationship terminates when the biological parent deceases in the context of the PFA matter. In that case, a former step-parent was trying to file a PFA against a former step-child and the case was dismissed for lack of jurisdiction.
- d. Family Court continues to make efforts to post decisions to the Delaware State Court website.

#### **7. Expert Witness**

- a. Rachel Brandenburg, Psy.D. is a clinical psychologist who specializes in therapeutic reunification, Custody Evaluations, Parent Coordination and other Family Court-related forensic referrals. Her contact information is 302-314-3101 or RBrandenburg@peoplesplace2.com. She is currently accepting new referrals.

## **8. Closing Comments**

- a. The Yeager Firm, LLC has officially moved their beautiful new office located at 2 Mill Road, Suite 105, Wilmington, DE 19806.
- b. Family Court Civil Rule 16 Amendments coming soon – required financial reports, mediation, and tweaks to the parent education – rules regarding financial reports will be categorized under a new name.