

MINUTES OF THE FAMILY LAW SECTION MEETING

DATE: SEPTEMBER 27, 2012

TIME: 4:00 P.M.

In Attendance:

Drew Gonser, Kara Swayze, Marci McNair, Tom Shellenberger, Lois Dawson (via phone), Meg Cooper (via phone), Dana Reynolds (via phone), Theresa Hayes (via phone), Shauna Hagan, Ashley Gorodetzer, Ellie Torres, Shawn Dougherty, Carl Heckert (via phone), Fred Tarrant, Jr. and Leslie Spoltore.

I. Welcome and Introductions

1. The agenda for the the meeting was originally sent with attachments. However, the attachments were too large for the server and did not come through on the email. Drew advised that he will resend them.
2. Introductions of new officers were made. It was noted that the Sussex-At-Large position remains open.

II. Good and Welfare

1. The Commissioner Vacancies –Interviews were taking place the week of September 27th and the following week. It is the Section's understanding that the Commissioner vacancies will not be filled until the General Assembly reconvenes in January.
2. Judge Pyott's brother passed away. Drew will send a condolence card from the section.

III. **The Family Law Update** - The update will be held on November 2, 2012 at the Hilton. The guest speakers will address e-discovery issues; Dana Reynolds and Suzanne Seibert will present a section on artificial insemination and reproduction law; Bill Ward will present on real estate matters and issues; and Curtis Bounds will present the case law update.

IV. **DSBA Requests for Liaisons for the Delaware Law Review** – the Delaware Law Review is seeking articles related to family law matters. Meg Cooper advised that she and Steve Welch are planning on an article regarding the recent Supreme Court decision on rescinding guardianship. Drew will provide Meg's name and contact information to the Law Review. Anyone else interested in submitting articles for publication should contact Drew.

V. **Federal Employees Group Life Insurance** – John Spadaro contacted the Section regarding a class action related to federal life insurance payouts. Drew will resubmit the attachments to the section. It is our understanding that the deadline for Notice of the Intent to Appear and Participate in the Action is November 19, 2012.

VI. **Open Discussion**

1. A member raised an issue regarding Notices of Services non est being sent to clients and not to counsel, even though counsel has entered their appearance. A failure to notify counsel has resulted in the dismissal of some actions. It was also noted the Notice of Trial Readiness is being sent directly to the clients and not to counsel. Ellie Torres advised that there is a new Director of Operations in New Castle County and a new Deputy Director. The Court will look into the Section's concerns.
2. A Section member raised an issue of the Court interpreting an Entry of Appearance filed on behalf of a firm as only applying to an individual attorney. In some instances the Court has refused to accept documents or talk with other counsel in the firm unless a Substitution of Counsel was filed.
3. The section noted that the feedback on the new call center is generally positive.
4. Kara Swayze advised that there are still some case updates to be done for the case update portion of the Family Law Update CLE. If anyone is interested in doing case updates, please contact Cara or Curtis.

**FAMILY LAW SECTION
MEETING MINUTES**

**November 29, 2012
4:00 pm**

Location:

Cooch and Taylor, P.A.
The Brandywine Building
1000 West Street, 10th Floor
Wilmington, DE 19899-1680

Call in Number: 1-800-391-2548

Access Code: 84795865#

In attendance: Drew Gonser, Fred Tarrant, Jr., Shauna Hagan, Kara Swasey; Ellie Torres (via phone), Leslie Spoltore, Suzanne Seubert, Bonnie Copeland

- 1) Amendment to Minutes
 - The October meeting minutes will reflect that Kara Swasey was in attendance. Also, the minutes will reflect that Rob and Ash (not Ashley) got engaged (not to each other).
- 2) Good and Welfare –
 - Bonnie has been asked to speak at the Bar Admission Ceremony. Congratulations Bonnie.
- 3) Gestational Carrier Legislation - Dana Reynolds and Suzanne Seubert
 - The current Delaware statute neither prohibits or permits carrier contracts. Legislation on this issue has been drafted and is under review. The draft statute addressed non-traditional carriers. Would the Section like to establish a Committee to review and comment on proposed legislation? Dana Reynolds volunteered to Chair the Committee. Suzanne Seubert, Bonnie Copeland and Shauna Hagan agreed to serve on the Committee. Anyone interested in participating, please call Dana.
- 4) Liaison Issues
 - A member noted that Comm. Kenney asked if the Section has had any discussion regarding a procedural issue that occurs when a PFA Order -- which lists children as petitioners -- is in place and a Petition For Custody subsequently becomes ripe for a hearing.

When that occurs, certain judges are taking the position that there can be no visitation or custody hearings because the children at issue are protected parties under the PFA Order, and the judges believe they cannot modify a PFA in a custody/visitation proceeding. The section notes that this can be particularly problematic in cases where the respondent is pro se, because he or she may not realize that the children are listed as victims or petitioners. There is some thought that with the evolution of the PFA, perhaps we need some statutory change to address this concern. Kara Swasey volunteered to serve on a Committee, Dana and Bonnie volunteered to assist.

- A member inquired whether section members are finding that mediators automatically recommending shared placement. The members' comments indicate that there does not seem to be a uniform approach and that different lawyers are having different experiences. In some cases though, the mediators are defaulting to shared, even in cases where the parties have followed a primary placement/visitation schedule for years. Also, members are finding that mediators are modifying custody/visitation orders at mediation rather than moving the unsuccessful mediation on to judicial scheduling. Anyone interested in participating, please call Kara.

5) December/Rotating Meetings

- The December meeting is scheduled for December 27. The meeting will be cancelled, but the Section may have an informal holiday gathering. Drew will send out an announcement if there is funding available.

**FAMILY LAW SECTION
MEETING MINUTES**

**January 24, 2013
4:00 pm**

Location:

Cooch and Taylor, P.A.
The Brandywine Building
1000 West Street, 10th Floor
Wilmington, DE 19899-1680

Call in Number: 1-800-391-2548

Access Code: 84795865#

In attendance: Drew Gosner, Fred Tarrant, Jr., Shauna Hagan, Kara Swasey; Ellie Torres (via phone), Leslie Spoltore, Suzanne Seubert, Bonnie Copeland, Megan Walstrom (via phone), Shawn Dougherty, The Honorable Mardi Pyott (via phone)

- 1) Good and Welfare –
 - Rochelle Cutrona had a baby boy – congratulations to the Cutronas.
 - Sadly, John Thompson passed away on January 18th
 - Sadly, Nina Bevis' husband passed away.
- 2) Gestational Carrier Legislation - Suzanne Seubert
 - Suzanne provided an update to the Section on the status of proposed legislation. Suzanne reported that there were some changes to the proposed legislation, mostly regarding jurisdiction. The potential sponsors were discussed. We were also advised that Commissioner Southmayd would like to have some input with regard to the statute and we are trying to set up a meeting with him. A motion to preliminarily approve the legislation was moved. No opposition, two extensions.
- 3) Amicus Brief – Shauna Hagan
 - Jill Di Sciullo was recently involved in a matter in Sussex county seeking to reopen and vacate an adult adoption, so that the participants to the adoption may engage in a civil union. The Chief Judge has asked for an amicus brief from the Section. Shauna Hagan has taken the laboring oar that process and will circulate a draft of her brief.

- 4) Child Support and Credit for Mortgage Payments
 - Drew Gonser will circulate a copy of the recent decision from Judge Cooper.
- 5) Family Court Jurisdiction - Shawn Dougherty
 - Shawn Dougherty advised that the Court of Chancery and Family Court have discussed the extension of Family Court's jurisdiction to cover real estate purchased by a couple prior to marriage, but perhaps not in anticipation of marriage. Shawn will circulate a draft of a proposed statute to affect that change.
- 6) Liaison Issues
 - Though it may be a limited issue, one member advised of some difficulty with the acceptance of a certificate of completion of the parenting education course. The certificate was on file for a custody matter and counsel was advised by the clerk that the certificate would not be accepted for a subsequent divorce petition.
 - Mediation is still being scheduled inside the 20-day response. Ellie advised that she would take these comments back to the bench and provide the Section with any response.
 - The Committee on PFAs and custody is in progress, and Kara will advise of any upcoming meetings.
- 7) February/March Meeting
 - The February or March meeting will be held in Kent county.

**DELAWARE [HOUSE OF REPRESENTATIVES / STATE SENATE]
146th GENERAL ASSEMBLY**

_____ **BILL NO.** _____

AN ACT TO AMEND CHAPTER 18, TITLE 6 OF THE DELAWARE CODE RELATING TO THE CREATION, REGULATION, OPERATION AND DISSOLUTION OF DOMESTIC LIMITED LIABILITY COMPANIES AND THE REGISTRATION AND REGULATION OF FOREIGN LIMITED LIABILITY COMPANIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 18-102, Title 6 of the Delaware Code by making deletions as
2 shown by strike through and insertions as shown by underlining as follows:

3 The name of each limited liability company as set forth in its certificate of formation:

4 (1) Shall contain the words "Limited Liability Company" or the abbreviation
5 "L.L.C." or the designation "LLC";

6 (2) May contain the name of a member or manager;

7 (3) Must be such as to distinguish it upon the records in the office of the
8 Secretary of State from the name on such records of any corporation, partnership, limited
9 partnership, statutory trust or limited liability company reserved, registered, formed or organized
10 under the laws of the State of Delaware or qualified to do business or registered as a foreign
11 corporation, foreign limited partnership, foreign statutory trust, foreign partnership, or foreign
12 limited liability company in the State of Delaware; provided however, that a limited liability
13 company may register under any name which is not such as to distinguish it upon the records in
14 the office of the Secretary of State from the name on such records of any domestic or foreign
15 corporation, partnership, limited partnership, or statutory trust or foreign limited liability
16 company reserved, registered, formed or organized under the laws of the State of Delaware with
17 the written consent of the other corporation, partnership, limited partnership, statutory trust or

foreign limited liability company, which written consent shall be filed with the Secretary of State; provided further, that, if on July 31, 2011 a limited liability company is registered (with the consent of another limited liability company) under a name which is not such as to distinguish it upon the records in the office of the Secretary of State from the name on such records of such other domestic limited liability company, it shall not be necessary for any such limited liability company to amend its certificate of formation to comply with this subsection; and

(4) May contain the following words: "Company," "Association," "Club," "Foundation," "Fund," "Institute," "Society," "Union," "Syndicate," "Limited" or "Trust" (or abbreviations of like import); and

(5) Shall not contain the word "bank," or any variation thereof, except for the name of a bank reporting to and under the supervision of the State Bank Commissioner of this State or a subsidiary of a bank or savings association (as those terms are defined in the Federal Deposit Insurance Act, as amended, at 12 U.S.C. § 1813), or a limited liability company regulated under the Bank Holding Company Act of 1956, as amended, 12 U.S.C. § 1841 et seq., or the Home Owners' Loan Act, as amended, 12 U.S.C. § 1461 et seq.; provided, however, that this section shall not be construed to prevent the use of the word "bank," or any variation thereof, in a context clearly not purporting to refer to a banking business or otherwise likely to mislead the public about the nature of the business of the limited liability company or to lead to a pattern and practice of abuse that might cause harm to the interests of the public or the State as determined by the Division of Corporations in the Department of State.

Section 2. Amend § 18-201(d), Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underlining as follows:

41 (d) A limited liability company agreement shall be entered into or otherwise existing
42 either before, after or at the time of the filing of a certificate of formation and, whether entered
43 into or otherwise existing before, after or at the time of such filing, may be made effective as of
44 the ~~formation of the limited liability company~~effective time of such filing or at such other time or
45 date as provided in or reflected by the limited liability company agreement.

46 Section 3. Amend § 18-209(c)(1), Title 6 of the Delaware Code by making deletions
47 as shown by strike through and insertions as shown by underlining as follows:

48 (1) The name ~~and~~jurisdiction of formation or organization and type of entity of each of
49 the domestic limited liability companies and other business entities which is to merge or
50 consolidate;

51 Section 4. Amend § 18-213(b)(7), Title 6 of the Delaware Code by making insertions
52 as shown by underlining as follows:

53 (7) The address (which may not be that of the limited liability company's registered agent
54 without the written consent of the limited liability company's registered agent, such consent to
55 be filed with the certificate of transfer) to which a copy of the process referred to in subsection
56 (b)(6) of this section shall be mailed to it by the Secretary of State. Process may be served upon
57 the Secretary of State under subsection (b)(6) of this section by means of electronic transmission
58 but only as prescribed by the Secretary of State. The Secretary of State is authorized to issue
59 such rules and regulations with respect to such service as the Secretary of State deems necessary
60 or appropriate. In the event of service hereunder upon the Secretary of State, the procedures set
61 forth in § 18-911(c) of this title shall be applicable, except that the plaintiff in any such action,
62 suit or proceeding shall furnish the Secretary of State with the address specified in this
63 subsection and any other address that the plaintiff may elect to furnish, together with copies of

such process as required by the Secretary of State, and the Secretary of State shall notify the limited liability company that has transferred or domesticated or continued out of the State of Delaware at all such addresses furnished by the plaintiff in accordance with the procedures set forth in § 18-911(c) of this title; and

Section 5. Amend § 18-214(c)(2), Title 6 of the Delaware Code by making insertions as shown by underlining as follows:

(2) The name and type of entity of the other entity immediately prior to the filing of the certificate of conversion to limited liability company;

Section 6. Amend § 18-215(l), Title 6 of the Delaware Code by making insertions as shown by underlining as follows:

(l) Notwithstanding § 18-803(a) of this title, unless otherwise provided in the limited liability company agreement, a manager associated with a series who has not wrongfully terminated the series or, if none, the members associated with the series or a person approved by the members associated with the series or, if there is more than 1 class or group of members associated with the series, then by each class or group of members associated with the series, in either case, by members who own more than 50 percent of the then current percentage or other interest in the profits of the series owned by all of the members associated with the series or by the members in each class or group associated with the series, as appropriate, may wind up the affairs of the series; but, if the series has been established in accordance with subsection (b) of this section, the Court of Chancery, upon cause shown, may wind up the affairs of the series upon application of any member or manager associated with the series, or the member's personal representative or assignee, and in connection therewith, may appoint a liquidating trustee. The persons winding up the affairs of a series may, in the name of the limited liability company and

for and on behalf of the limited liability company and such series, take all actions with respect to the series as are permitted under § 18-803(b) of this title. The persons winding up the affairs of a series shall provide for the claims and obligations of the series and distribute the assets of the series as provided in § 18-804 of this title, which section shall apply to the winding up and distribution of assets of a series. Actions taken in accordance with this subsection shall not affect the liability of members and shall not impose liability on a liquidating trustee.

Section 7. Amend § 18-505, Title 6 of the Delaware Code by making insertions as shown by underlining as follows:

No obligation of a member or manager of a limited liability company to the limited liability company, or to a member or manager of the limited liability company, arising under the limited liability company agreement or a separate agreement or writing, and no note, instrument or other writing evidencing any such obligation of a member or manager, shall be subject to the defense of usury, and no member or manager shall interpose the defense of usury with respect to any such obligation in any action.

Section 8. Amend § 18-803(a), Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underlining as follows:

(a) Unless otherwise provided in a limited liability company agreement, a manager who has not wrongfully dissolved a limited liability company or, if none, the members or a person approved by the members or, if there is more than 1 class or group of members, then by each class or group of members, in either case, by members who own more than 50 percent of the then current percentage or other interest in the profits of the limited liability company owned by all of the members or by the members in each class or group, as appropriate, may wind up the limited liability company's affairs; but the Court of Chancery, upon cause shown, may wind up the

110 limited liability company's affairs upon application of any member or manager, or the member's
111 ~~or manager's~~ personal representative or assignee, and in connection therewith, may appoint a
112 liquidating trustee.

113 Section 9. This Act shall become effective August 1, 2012.

SYNOPSIS

This bill continues the practice of amending periodically the Delaware Limited Liability Company Act (the "Act") to keep it current and to maintain its national preeminence. The following is a section-by-section review of the proposed amendments of the Act.

Section 1. This section amends § 18-102 of the Act to confirm the practice of restricting the use of the word "bank" or any variation thereof in the name of a limited liability company.

Section 2. This section amends § 18-201(d) of the Act to clarify as of when a limited liability company agreement may be made effective.

Section 3. This section amends § 18-209(c)(1) of the Act by adding a new requirement to provide the type of business entity involved in a merger or consolidation.

Section 4. This section amends § 18-213(b)(7) of the Act to clarify that the address provided for service of process may not be that of the limited liability company's registered agent without the written consent of such registered agent.

Section 5. This section amends § 18-214(c)(2) of the Act by adding a new requirement to provide the type of entity converting to a Delaware limited liability company.

Section 6. This section amends § 18-215(l) of the Act to provide that a manager associated with a series established in accordance with § 18-215(b) of the Act may apply to the Court of Chancery to wind up the affairs of the series following its termination.

Section 7. This section amends § 18-505 of the Act to provide that obligations between or among members and/or managers arising under a limited liability company agreement or other writing are not subject to the defense of usury.

Section 8. This section amends § 18-803(a) of the Act to clarify that the right to apply to the Court of Chancery to wind up the affairs of a limited liability company following its dissolution does not apply to a manager's personal representative or assignee.

Section 9. This section provides that the proposed amendments of the Act shall become effective August 1, 2012.

Author:_____

**DELAWARE [HOUSE OF REPRESENTATIVES / STATE SENATE]
146th GENERAL ASSEMBLY**

_____ **BILL NO.** _____

AN ACT TO AMEND CHAPTER 15, TITLE 6 OF THE DELAWARE CODE RELATING TO THE CREATION, REGULATION, OPERATION AND DISSOLUTION OF DOMESTIC PARTNERSHIPS AND THE REGISTRATION AND REGULATION OF FOREIGN LIMITED LIABILITY PARTNERSHIPS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 15-104(b), Title 6 of the Delaware Code by making insertions as
2 shown by underlining as follows:

3 (b) No obligation of a partner to a partnership, or to a partner of a partnership, arising
4 under a partnership agreement or a separate agreement or writing, and no note, instruction or
5 other writing evidencing any such obligation of a partner, shall be subject to the defense of
6 usury, and no partner shall interpose the defense of usury with respect to any such obligation in
7 any action. If an obligation to pay interest arises under this chapter and the rate is not specified,
8 the rate is that specified in § 2301 of this title.

9 Section 2. Amend § 15-105(d), Title 6 of the Delaware Code by making insertions as
10 shown by underlining as follows:

11 (d)(1) A person authorized by this chapter to file a statement or certificate may amend or
12 cancel the statement or certificate by filing an amendment or cancellation that names the
13 partnership, identifies the statement or certificate, and states the substance of the amendment or
14 cancellation. A person authorized by this chapter to file a statement or certificate who becomes
15 aware that such statement or certificate was false when made, or that any matter described in the
16 statement or certificate has changed, making the statement or certificate false in any material
17 respect, shall promptly amend the statement or certificate. Upon the filing of a statement or a

18 certificate amending or correcting a statement or a certificate (or judicial decree of amendment)
19 with the Secretary of State, or upon the future effective date or time of a statement or a certificate
20 amending or correcting a statement or a certificate (or judicial decree thereof), as provided for
21 therein, the statement or the certificate being corrected or amended shall be corrected or
22 amended as set forth therein. Upon the filing of a statement of cancellation of a statement of
23 partnership existence (or judicial decree thereof), or a certificate of merger or consolidation or a
24 certificate of ownership and merger which acts as a statement of cancellation of a statement of
25 partnership existence, or a certificate of transfer, or a certificate of conversion to a non-Delaware
26 entity, or upon the future effective date or time of a statement of cancellation of a statement of
27 partnership existence (or a judicial decree thereof) or of a certificate of merger or consolidation
28 or a certificate of ownership and merger which acts as a statement of cancellation of a statement
29 of partnership existence, or a certificate of transfer, or a certificate of conversion to a non-
30 Delaware entity, as provided for therein, or as specified in § 15-111(d), § 15-111(i)(4) or § 15-
31 1209(a) of this title, the statement of partnership existence is canceled. Neither the filing of a
32 statement of cancellation to accomplish the cancellation of a statement of qualification nor the
33 revocation of a statement of qualification pursuant to § 15-1003 of this title cancels a statement
34 of partnership existence for such partnership. A statement of partnership existence shall be
35 canceled upon the dissolution and the completion of winding up of the partnership, or as
36 provided in § 15-111(d), § 15-111(i)(4) or § 15-1209(a) of this title, or upon the filing of a
37 certificate of merger or consolidation or a certificate of ownership and merger if the domestic
38 partnership is not the surviving or resulting entity in a merger or consolidation, or upon the filing
39 of a certificate of transfer, or upon the filing of a certificate of conversion to a non-Delaware
40 entity. A statement of cancellation shall be filed with the Secretary of State to accomplish the

cancellation of a statement of partnership existence upon the dissolution and the completion of winding up of a domestic partnership and shall set forth:

- a. The name of the partnership;
- b. The date of filing of its statement of partnership existence; and
- c. Any other information the person filing the statement of cancellation determines.

(2) The Secretary of State shall not issue a certificate of good standing with respect to a domestic partnership if its statement of partnership existence is canceled.

(3) Upon the filing of a statement of cancellation of a statement of qualification (or judicial decree thereof), or a certificate of merger or consolidation or a certificate of ownership and merger which acts as a statement of cancellation of a statement of qualification, or a certificate of transfer, or a certificate of conversion to a non-Delaware entity, or upon the future effective date or time of a statement of cancellation of a statement of qualification (or a judicial decree thereof) or of a certificate of merger or consolidation or a certificate of ownership and merger which acts as a statement of cancellation of a statement of qualification, or a certificate of transfer, or a certificate of conversion to a non-Delaware entity, as provided for therein, or as specified in § 15-111(d) or § 15-111(i)(4) of this title, the statement of qualification is canceled. Neither the filing of a statement of cancellation to accomplish the cancellation of a statement of partnership existence nor the cancellation of a statement of partnership existence pursuant to § 15-1209(a) of this title cancels a statement of qualification for such partnership. A statement of qualification shall be canceled upon the dissolution and the completion of winding up of the limited liability partnership, or as provided in § 15-111(d) or § 15-111(i)(4) of this title, or upon the filing of a certificate of merger or consolidation or a certificate of ownership and merger if

the limited liability partnership is not the surviving or resulting entity in a merger or consolidation, or upon the filing of a certificate of transfer, or upon the filing of a certificate of conversion to a non-Delaware entity. A statement of cancellation shall be filed with the Secretary of State to accomplish the cancellation of a statement of qualification upon the dissolution and the completion of winding up of a limited liability partnership and shall set forth:

- a. The name of the limited liability partnership;
- b. The date of filing of its statement of qualification; and
- c. Any other information the person filing the statement of cancellation determines.

(4) If a statement of cancellation of a statement of qualification is filed, either a statement of cancellation of the partnership's statement of partnership existence (if any) or an amendment to the partnership's statement of partnership existence (if any) removing the "Limited Liability Partnership", "L.L.P." or "LLP" designation from the name of the partnership shall be filed simultaneously with the filing of such statement of cancellation of the statement of qualification.

(5) Upon the filing of a certificate of partnership domestication, or upon the future effective date or time of a certificate of partnership domestication, the entity filing the certificate of partnership domestication is domesticated as a partnership with the effect provided in § 15-904 of this title. Upon the filing of a certificate of conversion to partnership, or upon the future effective date or time of a certificate of conversion to partnership, the entity filing the certificate of conversion to partnership is converted to a partnership with the effect provided in § 15-901 of this title. Upon the filing of a certificate of transfer and domestic continuance, or upon the future effective date or time of a certificate of transfer and domestic continuance, as provided for

therein, the partnership filing the certificate of transfer and domestic continuance shall continue to exist as a partnership of the State of Delaware with the effect provided in § 15-905 of this title.

Section 3. Amend § 15-108, Title 6 of the Delaware Code by making insertions as shown by underlining as follows:

(a) The name of a partnership: (i) may contain the name of a partner and (ii) may contain the following words: "Company," "Association," "Club," "Foundation," "Fund," "Institute," "Society," "Union," "Syndicate," "Trust" (or abbreviations of like import).

(b) The name of a limited liability partnership shall contain as the last words or letters of its name the words "Limited Liability Partnership," the abbreviation "L.L.P." or the designation "LLP."

(c) The name of a partnership to be included in the statement of partnership existence, statement of qualification or statement of foreign qualification filed by such partnership must be such as to distinguish it upon the records in the office of the Secretary of State from the name on such records of any corporation, partnership (including a limited liability partnership), limited partnership (including a limited liability limited partnership), statutory trust or limited liability company organized under the laws of the State of Delaware and reserved, registered, formed or organized with the Secretary of State or qualified to do business and registered as a foreign corporation, foreign limited liability partnership, foreign limited partnership, foreign statutory trust or foreign limited liability company in the State of Delaware; provided, however, that a domestic partnership may be registered under any name which is not such as to distinguish it upon the records of the Secretary of State from the name on such records of any domestic or foreign corporation, limited partnership (including a limited liability limited partnership), statutory trust or limited liability company or foreign limited liability partnership reserved,

109 registered, formed or organized under the laws of the State of Delaware with the written consent
110 of the other corporation, limited partnership (including a limited liability limited partnership),
111 statutory trust, limited liability company or foreign limited liability partnership, which written
112 consent shall be filed with the Secretary of State; provided further, that, if on July 31, 2011 a
113 domestic partnership is registered (with the consent of another domestic partnership) under a
114 name which is not such as to distinguish it upon the records in the office of the Secretary of State
115 from the name on such records of such other domestic partnership, it shall not be necessary for
116 any such domestic partnership to amend its statement of partnership existence or statement of
117 qualification to comply with this subsection.

118 (d) The name of a partnership shall not contain the word "bank," or any variation thereof,
119 except for the name of a bank reporting to and under the supervision of the State Bank
120 Commissioner of this State or a subsidiary of a bank or savings association (as those terms are
121 defined in the Federal Deposit Insurance Act, as amended, at 12 U.S.C. § 1813), or a partnership
122 regulated under the Bank Holding Company Act of 1956, as amended, 12 U.S.C. § 1841 et seq.,
123 or the Home Owners' Loan Act, as amended, 12 U.S.C. § 1461 et seq.; provided, however, that
124 this section shall not be construed to prevent the use of the word "bank," or any variation thereof,
125 in a context clearly not purporting to refer to a banking business or otherwise likely to mislead
126 the public about the nature of the business of the partnership or to lead to a pattern and practice
127 of abuse that might cause harm to the interests of the public or the State as determined by the
128 Division of Corporations in the Department of State.

129 Section 4. Amend § 15-901(c)(2), Title 6 of the Delaware Code by making insertions
130 as shown by underlining as follows:

(2) The name and type of entity of the other entity immediately prior to the filing of the certificate of conversion to partnership;

Section 5. Amend § 15-902(c)(1), Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underlining as follows:

(1) The name ~~and~~ jurisdiction of formation or organization and type of entity of each of the domestic partnerships and other business entities which is to merge or consolidate;

Section 6. Amend § 15-904(b), Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underlining as follows:

(b) Any non-United States entity may become domesticated as a partnership (including a limited liability partnership) in the State of Delaware by complying with subsection (g) of this section and filing with the Secretary of State in accordance with § 15-105 of this title:

(1) A certificate of partnership domestication that has been executed in accordance with § 15-105 of this title; ~~and~~

(2) A statement of partnership existence that complies with § 15-303 of this title and has been executed in accordance with § 15-105 of this title; and

(3) In the case of a domestication as a limited liability partnership, a statement of qualification in accordance with subsection (c) of § 15-1001 of this title.

The certificate and the statements required by this subsection (b) shall be filed simultaneously with the Secretary of State and, if such certificate and such statements are not to become effective upon their filing as permitted by § 15-105(h) of this title, then such certificate and such statements shall provide for the same effective date or time in accordance with § 15-105(h) of this title.

Section 7. Amend § 15-904(c), Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underlining as follows:

(c) The certificate of partnership domestication shall state:

(1) The date on which and jurisdiction where the non-United States entity was first formed, incorporated, created or otherwise came into being;

(2) The name of the non-United States entity immediately prior to the filing of the certificate of partnership domestication;

(3) The name of the partnership as set forth in the statement of partnership existence filed in accordance with subsection (b) of this section;

(4) The future effective date or time (which shall be a date or time certain) of the domestication as a partnership if it is not to be effective upon the filing of the certificate of partnership domestication and the statement of partnership existence;

(5) The jurisdiction that constituted the seat, siege social, or principal place of business or central administration of the non-United States entity, or any other equivalent thereto under applicable law, immediately prior to the filing of the certificate of partnership domestication; and

(6) That the domestication has been approved in the manner provided for by the document, instrument, agreement or other writing, as the case may be, governing the internal affairs of the non-United States entity and the conduct of its business or by applicable non-Delaware law, as appropriate; and

(7) In the case of a domestication as a limited liability partnership, that the partnership agreement of the partnership states that the partnership shall be a limited liability partnership.

Section 8. Amend § 15-904(d), Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underlining as follows:

(d) Upon the filing with the Secretary of State of the certificate of partnership domestication, the statement of partnership existence and the statement of partnership ~~existence~~equalification (if applicable) or upon the future effective date or time of the certificate of partnership domestication, the statement of partnership existence and the statement of partnership ~~existence~~equalification (if applicable), the non-United States entity shall be domesticated as a partnership (including a limited liability partnership, if applicable) in the State of Delaware and the partnership shall thereafter be subject to all of the provisions of this chapter, provided that the existence of the partnership shall be deemed to have commenced on the date the non-United States entity commenced its existence in the jurisdiction in which the non-United States entity was first formed, incorporated, created or otherwise came into being.

Section 9. Amend § 15-904(e), Title 6 of the Delaware Code by making insertions as shown by underlining as follows:

(e) The domestication of any non-United States entity as a partnership (including a limited liability partnership) in the State of Delaware shall not be deemed to affect any obligations or liabilities of the non-United States entity incurred prior to its domestication as a partnership in the State of Delaware, or the personal liability of any person therefor.

Section 10. Amend § 15-905(b)(7), Title 6 of the Delaware Code by making insertions as shown by underlining as follows:

(7) The address (which may not be that of the partnership's registered agent without the written consent of the partnership's registered agent, such consent to be filed with the certificate of transfer) to which a copy of the process referred to in subsection (b)(6) of this section shall be

199 mailed to it by the Secretary of State. In the event of service hereunder upon the Secretary of
200 State, the procedures set forth in § 15-113(b) of this title shall be applicable, except that the
201 plaintiff in any such action, suit or proceeding shall furnish the Secretary of State with the
202 address specified in this subsection and any other address that the plaintiff may elect to furnish,
203 together with copies of such process as required by the Secretary of State, and the Secretary of
204 State shall notify the partnership that has transferred or domesticated or continued out of the
205 State of Delaware at all such addresses furnished by the plaintiff in accordance with the
206 procedures set forth in § 15-113(b) of this title; and

207 Section 11. Amend § 15-1003(a)(1), Title 6 of the Delaware Code by making
208 insertions as shown by underlining as follows:

209 (1) the name of the limited liability partnership and the state or other jurisdiction under
210 whose laws the foreign limited liability partnership is formed and the number of partners of the
211 partnership as of the date of the filing of the annual report or, in the case of a delinquent annual
212 report, the number of partners as of June 1 of the year such annual report was due; and

213 Section 12. This Act shall become effective August 1, 2012.

SYNOPSIS

This bill continues the practice of amending periodically the Delaware Revised Uniform Partnership Act (the "Act") to keep it current and to maintain its national preeminence. The following is a section-by-section review of the proposed amendments of the Act.

Section 1. This section amends § 15-104(b) of the Act to provide that obligations between or among partners arising under a partnership agreement or other writing are not subject to the defense of usury.

Section 2. This section amends § 15-105(d) of the Act by clarifying that the designation "Limited Liability Partnership", "L.L.P." or "LLP" must be removed from the name of a partnership that cancels its statement of qualification and remains a domestic partnership in the State of Delaware if it has a statement of partnership existence on file.

Section 3. This section amends § 15-108 of the Act to confirm the practice of restricting the use of the word “bank” or any variation thereof in the name of a partnership.

Section 4. This section amends § 15-901(c)(2) of the Act by adding a new requirement to provide the type of business entity converting to a Delaware partnership.

Section 5. This section amends § 15-902(c)(1) of the Act by adding a new requirement to provide the type of business entity involved in a merger or consolidation.

Sections 6, 7, 8 and 9. These sections amend § 15-904 of the Act to clarify filing requirements in connection with a domestication as a limited liability partnership.

Section 10. This section amends § 15-905(b)(7) of the Act to clarify that the address provided for service of process may not be that of the partnership’s registered agent without the written consent of such registered agent.

Section 11. This section amends § 15-1003(a)(1) of the Act to clarify the time for determining the number of partners stated in an annual report. This amendment is not intended to require any revision to annual reports filed before the effective date of this amendment.

Section 12. This section provides that the proposed amendments of the Act shall become effective August 1, 2012.

Author: _____

**DELAWARE [HOUSE OF REPRESENTATIVES / STATE SENATE]
146th GENERAL ASSEMBLY**

_____ **BILL NO.** _____

AN ACT TO AMEND CHAPTER 17, TITLE 6 OF THE DELAWARE CODE RELATING TO THE CREATION, REGULATION, OPERATION AND DISSOLUTION OF DOMESTIC LIMITED PARTNERSHIPS AND THE REGISTRATION AND REGULATION OF FOREIGN LIMITED PARTNERSHIPS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 17-102, Title 6 of the Delaware Code by making deletions as
2 shown by strike through and insertions as shown by underlining as follows:

3 The name of each limited partnership as set forth in its certificate of limited partnership:

4 (1) Shall contain the words "Limited Partnership" or the abbreviation "L.P." or the
5 designation "LP" or, in the case of a limited partnership that is formed as or becomes a limited
6 liability limited partnership, shall contain the words, abbreviation or designation required by §
7 17-214(a) of this title;

8 (2) May contain the name of a partner;

9 (3) Must be such as to distinguish it upon the records in the office of the Secretary
10 of State from the name on such records of any corporation, partnership, limited partnership,
11 statutory trust or limited liability company reserved, registered, formed or organized under the
12 laws of the State of Delaware or qualified to do business or registered as a foreign corporation,
13 foreign limited partnership, foreign statutory trust, foreign partnership or foreign limited liability
14 company in the State of Delaware; provided, however, that a limited partnership may register
15 under any name which is not such as to distinguish it upon the records in the office of the
16 Secretary of State from the name on such records of any domestic or foreign corporation,
17 partnership, statutory trust, or limited liability company or foreign limited partnership reserved,

18 registered, formed or organized under the laws of the State of Delaware with the written consent
19 of the other corporation, partnership, statutory trust, limited liability company or foreign limited
20 partnership, which written consent shall be filed with the Secretary of State; provided further,
21 that, if on July 31, 2011 a limited partnership is registered (with the consent of another limited
22 partnership) under a name which is not such as to distinguish it upon the records in the office of
23 the Secretary of State from the name on such records of such other domestic limited partnership,
24 it shall not be necessary for any such limited partnership to amend its certificate of limited
25 partnership to comply with this subsection; and

26 (4) May contain the following words: "Company," "Association," "Club,"
27 "Foundation," "Fund," "Institute," "Society," "Union," "Syndicate," "Limited" or "Trust" (or
28 abbreviations of like import); and

29 (5) Shall not contain the word "bank," or any variation thereof, except for the
30 name of a bank reporting to and under the supervision of the State Bank Commissioner of this
31 State or a subsidiary of a bank or savings association (as those terms are defined in the Federal
32 Deposit Insurance Act, as amended, at 12 U.S.C. § 1813), or a limited partnership regulated
33 under the Bank Holding Company Act of 1956, as amended, 12 U.S.C. § 1841 et seq., or the
34 Home Owners' Loan Act, as amended, 12 U.S.C. § 1461 et seq.; provided, however, that this
35 section shall not be construed to prevent the use of the word "bank," or any variation thereof, in a
36 context clearly not purporting to refer to a banking business or otherwise likely to mislead the
37 public about the nature of the business of the limited partnership or to lead to a pattern and
38 practice of abuse that might cause harm to the interests of the public or the State as determined
39 by the Division of Corporations in the Department of State.

Section 2. Amend § 17-201(d), Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underlining as follows:

(d) A partnership agreement shall be entered into or otherwise existing either before, after or at the time of the filing of a certificate of limited partnership and, whether entered into or otherwise existing before, after or at the time of such filing, may be made effective as of the ~~formation of the limited partnership~~effective time of such filing or at such other time or date as provided in or reflected by the partnership agreement.

Section 3. Amend § 17-211(c)(1), Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underlining as follows:

(1) The name ~~and~~, jurisdiction of formation or organization and type of entity of each of the domestic limited partnerships and other business entities which is to merge or consolidate;

Section 4. Amend § 17-214, Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underlining as follows:

(a) A limited partnership may be formed as, or may become, a limited liability limited partnership pursuant to this section. A limited partnership may become a limited liability limited partnership as permitted by the limited partnership's partnership agreement or, if the limited partnership's partnership agreement does not provide for the limited partnership's becoming a limited liability limited partnership, with the approval (i) by all general partners, and (ii) by the limited partners, or, if there is more than 1 class or group of limited partners, then by each class or group of limited partners, in either case, by limited partners who own more than 50 percent of the then current percentage or other interest in the profits of the limited partnership owned by all of the limited partners or by the limited partners in each class or group, as appropriate. To be

formed or to become, and to continue as, a limited liability limited partnership, a limited partnership shall, in addition to complying with the requirements of this chapter:

(1) File a statement of qualification as provided in § 15-1001 of this title and thereafter an annual report as provided in § 15-1003 of this title; and

(2) Have as the last words or letters of its name the words "Limited Liability Limited Partnership," or the abbreviation "L.L.L.P.," or the designation "LLLP."

(b) In applying the Delaware Revised Uniform Partnership Act [Chapter 15 of this title] to a limited liability limited partnership for the purposes of subsections (a) and (c) of this section:

(1) Any statement shall be executed by at least 1 general partner of the limited partnership; and

(2) All references to partners mean general partners only.

(c) If a statement of cancellation of a statement of qualification is filed and the limited partnership shall remain a domestic limited partnership, an amendment to the certificate of limited partnership removing the "Limited Liability Limited Partnership", "L.L.L.P." or "LLLP" designation from the name of the limited partnership shall be filed simultaneously with the filing of such statement of cancellation of the statement of qualification. As changed, such name must also comply with § 17-102 of this chapter.

(d) If a limited partnership is a limited liability limited partnership, (i) its partners who are liable for the debts, liabilities and other obligations of the limited partnership shall have the limitation on liability afforded to partners of limited liability partnerships under the Delaware Revised Uniform Partnership Act [Chapter 15 of this title], and (ii) no limited partner of the limited partnership shall have any liability for the obligations of the limited partnership under § 17-303(a) of this title.

(de) Except as provided in subsections (a), (b) and (ed) of this section, a limited liability limited partnership shall be governed by this chapter, including, without limitation, § 17-1105 of this chapter.

(ef) Notwithstanding anything in this chapter to the contrary, a limited partnership having, on December 31, 1999, the status of a registered limited liability limited partnership under predecessor law shall have the status of a limited liability limited partnership under this chapter as of January 1, 2000, and to the extent such limited partnership has not filed a statement of qualification pursuant to § 15-1001 of the Delaware Revised Uniform Partnership Act, the latest application or renewal application filed by such limited partnership under such predecessor law shall constitute a statement of qualification filed under § 15-1001 of the Delaware Revised Uniform Partnership Act.

Section 5. Amend § 17-216(b)(7), Title 6 of the Delaware Code by making insertions as shown by underlining as follows:

(7) The address (which may not be that of the limited partnership's registered agent without the written consent of the limited partnership's registered agent, such consent to be filed with the certificate of transfer) to which a copy of the process referred to in subsection (b)(6) of this section shall be mailed to it by the Secretary of State. Process may be served upon the Secretary of State under paragraph (b)(6) of this section by means of electronic transmission but only as prescribed by the Secretary of State. The Secretary of State is authorized to issue such rules and regulations with respect to such service as the Secretary of State deems necessary or appropriate. In the event of service hereunder upon the Secretary of State, the procedures set forth in § 17-911(c) of this title shall be applicable, except that the plaintiff in any such action, suit or proceeding shall furnish the Secretary of State with the address specified in this

subsection and any other address that the plaintiff may elect to furnish, together with copies of such process as required by the Secretary of State, and the Secretary of State shall notify the limited partnership that has transferred or domesticated or continued out of the State of Delaware at all such addresses furnished by the plaintiff in accordance with the procedures set forth in § 17-911(c) of this title; and

Section 6. Amend § 17-217(c)(2), Title 6 of the Delaware Code by making insertions as shown by underlining as follows:

(2) The name and type of entity of the other entity immediately prior to the filing of the certificate of conversion to limited partnership;

Section 7. Amend § 17-505, Title 6 of the Delaware Code by making insertions as shown by underlining as follows:

No obligation of a partner of a limited partnership to the limited partnership, or to a partner of the limited partnership, arising under the partnership agreement or a separate agreement or writing, and no note, instrument or other writing evidencing any such obligation of a partner, shall be subject to the defense of usury, and no partner shall interpose the defense of usury with respect to any such obligation in any action.

Section 8. This Act shall become effective August 1, 2012

SYNOPSIS

This bill continues the practice of amending periodically the Delaware Revised Uniform Limited Partnership Act (the "Act") to keep it current and to maintain its national preeminence. The following is a section-by-section review of the proposed amendments of the Act.

Section 1. This section amends § 17-102 of the Act to confirm the practice of restricting the use of the word "bank" or any variation thereof in the name of a limited partnership.

Section 2. This section amends § 17-201(d) of the Act to clarify as of when a partnership agreement may be made effective.

Section 3. This section amends § 17-211(c)(1) of the Act by adding a new requirement to provide the type of business entity involved in a merger or consolidation.

Section 4. This section redesignates §§ 17-214(c),(d) and (e) as §§ 17-214(d), (e) and (f) of the Act and adds a new § 17-214(c) clarifying that the designation “Limited Liability Limited Partnership”, “L.L.L.P.” or “LLLP” must be removed from the name of a limited partnership that cancels its statement of qualification and remains a domestic limited partnership in the State of Delaware. A corresponding change is made to § 17-214(e) to reflect such redesignation.

Section 5. This section amends § 17-216(b)(7) of the Act to clarify that the address provided for service of process may not be that of the limited partnership’s registered agent without the written consent of such registered agent.

Section 6. This section amends § 17-217(c)(2) of the Act by adding a new requirement to provide the type of entity converting to a Delaware limited partnership.

Section 7. This section amends § 17-505 of the Act to provide that obligations between or among partners arising under a partnership agreement or other writing are not subject to the defense of usury.

Section 8. This section provides that the proposed amendments of the Act shall become effective August 1, 2012.

Author: _____

FAMILY LAW SECTION MEETING MINUTES

February 28, 2013
4:00 pm

Location:

Cooch and Taylor, P.A.
The Brandywine Building
1000 West Street, 10th Floor
Wilmington, DE 19899-1680

In attendance: Drew Gonser; Fred Tarrant, Jr.; Kara Swasey; Suzanne Seubert; Leslie Spoltore, Achille Scache; Shauna Hagan; Bonnie Copeland; Jill Di Sciullo; Lois Dawson (phone); Ellie Torres (phone); Dana Reynolds (phone).

Motion to approve minutes (with a correction to the spelling Drew's last name). A vote was taken - one abstention, no opposition. The motion carried.

1. Good and Welfare

Sadly, Pat Gartwaite passed away. Felice Kerr and some others are working on an article in remembrance of her to be included in *In Re*.

2. GC Legislation - Suzanne Seubert

Suzanne attended the DSBA meeting, during which discussion on the legislation was tabled until the next meeting. It was noted that the proposed legislation was submitted to every section of the Bar, the comments received from a few attorneys are not representative of any Section or group. Rather, they are the comments represent only the opinions of the three individuals noted.

Generally, the comments reflect that the individuals are not well informed on family law. However, the comments on expansive jurisdiction may be worth reviewing. A new section 8-803 was circulated.

Motion to approve the revised 8-803; second. Vote - no opposition. Motion carries.

3. Amicus Brief - Shauna Hagan.

The section did not have any objection to support of the motion to reopen so Shauna proceeded to research the issue. There is no case law that is remotely on point so she put together a response supporting the relief. Particularly in light of the Civil Union statute and the purpose of that legislation. Motion to approve. No opposition, one abstention. Motion carries.

4. Liaison Issues – none raised.

5. Delaware Joint Inns of Court Meeting has been established with The Terry-Carey Inn. It will be held in March.

6. Custody -

In Pennsylvania, parents who still reside together can file for and receive a custody order that will not be effective until they have separate households. Do we want to consider that in Delaware.

7. Model Relocation Act -

A member inquired whether the Section thinks Delaware should accept it since it is "instructive" in virtually case and relied upon heavily. Drew will email Ellie Torres to see if the Court has considered this.

**FAMILY LAW SECTION
MEETING MINUTES**

**March 28, 2013
4:00 pm**

Location:

Cooch and Taylor, P.A.
The Brandywine Building
1000 West Street, 10th Floor
Wilmington, DE 19899-1680

In attendance: Drew Gosner, Christine Demsey, Kara Swasey; Achille Scache, Leslie Spoltore, Suzanne Seubert, Megan Walstrom (via phone), Lois Dawson (via phone), George Tsakataras, Jill Di Sciullo, Shauna Hagan.

- 1) Minutes
 - Patricia Garthwaite's name misspelled. With that corrected, the Minutes were approved.
- 2) Good and Welfare –
 - Fred was in the hospital and Judge Cooper's wife was in the hospital.
- 3) Liaison Issues -
 - A member inquired whether Vital Statistics has advised that a certified court order is not sufficient to amend a birth certificate. No other members have found this to be a problem.
 - Drew received an email from a member inquiring if anyone is working on the PFA statute. The member asked if there any interest in amended the statute or process to eliminate name calling as a basis for awarding a PFA. This issue will be added to the PFA Committee agenda. Judge Cooper has offered to be involved so the Committee will be moving forward.
- 4) Statue to Reinstate Parental Rights -
 - CPAC made the section aware of the proposed legislation.
- 5) Gestational Carrier Legislation – Suzanne Seubert
 - The Bar will not take a position on this legislation and advised that the FLS may go forward on its own behalf.

- 6) Amicus Brief -
 - The brief was filed. The matter has been reassigned to Judge Ryan.
- 7) Emmanuel Dining Hall Lunch Program -
 - George Tsakataras asked if the Section might willing to take on organizing the Emmanuel Dining Hall lunch program, which is currently organized by the New Lawyer Section. The program provides and serves lunch one day per month at Emmanuel Dining Hall. The approximate cost of each lunch is \$210. Typically the Section would only need to cover one lunch per year. The Section suggested we examine the Section budget and the process for raising dues to cover the cost of the meal.
 - Drew will confer with the DSBA about increasing our dues to increase our budget. A motion was made to raise the dues and take over the project. The motion was tabled.
- 8) May Meeting
 - The meeting on May 23, 2013 will be held at the CLASI offices in Dover.

**FAMILY LAW SECTION
MEETING MINUTES**

**April 25, 2013
4:00 pm**

Location:

Cooch and Taylor, P.A.
The Brandywine Building
1000 West Street, 10th Floor
Wilmington, DE 19899-1680

In attendance: Drew Gonser; Kara Swasey; Shauna Hagan; Achille Sache; Fred Tarrant, Jr.; Megan Walstrom (via phone); Ashley Gorodetzer (via phone); Paulette Sullivan Moore (via Phone); Leslie Spoltore; Jill Spevak Di Sciullo; Bonnie Copeland.

- 1) Minutes
 - There was a motion to approve the Minutes. The Motion passed.
- 2) Good and Welfare -
 - Welcome to Ella Gonser who joined the Section meeting with her father, Drew Gonser.
- 3) Liaison Issues - Renee Ciconte of Family Court participated by phone.
 - Ex Parte Notice of Trial Readiness - A member noted that the Notices are being sent to the petitioner only and not to the respondent or respondent's counsel. In some cases the facts have changed pending the issuance of the Notice and the other party isn't on notice to respond or oppose. The Section wondered why this is the only document that is sent from the court to only one party, and is *ex parte* in nature.
 - Family Court Call Center - A member reported that if an attorney calls to request copies of orders in a case (in which counsel has entered an appearance) the call center has refused to send copies of orders. Renee has asked that we contact her if we have operational issues such as this. Renee Ciconte can be reached at: renee.ciconte@state.de.us or 255-0360.
- 4) New Court Hours -

- Beginning May 6th the hours of the New Castle Courthouse will change and litigants and attorneys will not be allowed in the building at all until 8:30 a.m. Renee reported that the Family Court is not making any immediate changes to scheduling. Rather, the Court will see how it goes for the first two weeks to determine what changes they will need to make, if any.
 - i. For now, PFA calendars will still begin at 8:30 am. There is significant concern in the Section that PFA petitioners and respondents will be waiting in line together, which is a risk. And, PFA petitioners will be very upset that they can't get in at 8:30 if their hearing is scheduled to begin at 8:30.
 - ii. There is also concern that mediation will get backed-up if they are scheduled to begin at 8:30 (but don't really). If counsel have multiple appearances in a given day, the delayed start could be problematic. Renee will take the Sections comments back to the Court.
- 5) Public Benefit Legislation
 - The Section was advised that it no longer needed to discuss this legislation as it was already approved by DSBA.
- 6) Registration of Property Division Orders -
 - The Section discussed a recent opinion issued by Judge Newell in which he held that you can't register a foreign order on property division. Drew will circulate the decision.
- 7) June Meeting -
 - Next meeting was to be in Kent County. We will be voting for officers for next year - so we need to have a quorum.
- 8) Follow-up on dues
 - Drew reported that the process to raise Section dues is not difficult. If the Section votes to increase dues then Executive Committee simply votes to approve the Section's decision. However, after reviewing the Section's finances there was discussion that it may not be necessary due to the funds available. We may be able to consider administering the Emmanuel Dining Hall program without raising dues.
- 9) Reminders -
 - The PFA Committee met for the first time on Monday. They are going to look at the entire statute itself and not just the "PV" issue. They are asking Section members to comments about the statute to the committee.

- Chris Demsey and Gretchen Knight are on the Judicial Nominating Commission and several commissioners are up for reappointment and they have asked for any comments Members. Comments can be sent to Chris and Gretchen and all comments will be held in confidence.