

**Family Law Commission Minutes – Meeting of March 17, 2016**  
*Senate Chamber, Legislative Hall, Dover, Delaware*

Members Present

Curtis Bounds, Esq., Chair  
Rep. Michael Ramone  
Sen. Bruce Ennis  
Judge William Walls  
Ms. Lynn Kokjohn  
Ms. Raetta McCall  
Mr. James Morning  
Dr. Twain Gonzales

Staff Members

Dick Carter, staff  
Sarah Meyer, staff

Others Present

Mr. Tim Collins  
Ms. Aimee String, Domestic Violence Coordinating Council  
Mr. Carlo P. Green, Delaware Capitol Police

**Meeting Summary**

Chairman Bounds called the meeting prior to order at 9:40 a.m. The minutes of the January 21, 2016 Public Hearing were approved. The draft 2015 Annual Report was also approved with the proviso that Dr. Gonzales’s designation should be changed to “Licensed Clinical Psychologist” and Ms. Eileen Williams should be removed from the listing of Commission members because she has resigned.

**The January Public Hearing:**

The Commission discussed testimony at the January public hearing, including that of Mr. Tim Collins, who was present at the March meeting and followed up on some of the points he raised on that occasion.

**Senate Bill 119:**

Senator Ennis reported to the Commission on a January 20 House Judiciary Committee hearing on Senate Bill 119, relating to public access to Family Court proceedings, which reflects the findings of the “Blue Ribbon” task force on that subject. He noted that concern about the

legislation was expressed by a number of attorneys and cited a letter addressed to the committee by Patrick J. Boyer of the MacElree and Harvey Law Firm and signed by Mr. Boyer and 11 other attorneys. The letter states that “the Family Court and its litigants are well served by the current statutory framework which presumptively closes property division, alimony, and paternity hearings, though allowing members of the public to attend when “appropriate circumstances” exist. Mr. Boyer also alleged that SB 119, if enacted, “will create new and unnecessary challenges for the Family Court, will put our litigants at risk, and will delay the administration of justice.”

It was noted that in the interim, the court has changed chief judges and that perhaps the former chief judge was more supportive of opening up additional court proceedings than Judge Newell is.

Ms. Kokjohn suggested that it might be useful if she and Mariann Kenville Moore, as co-chairs of the Family Court Task Force, met with Family Court Chief Judge Michael Newell to see if it might be possible to reach compromise on contentious issues.

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

Chairman Bounds noted that numerous other state jurisdictions hold *pro se* litigants to the same standards as attorneys and expressed the view that part of the difficulty may be caused by Family Court allowing *pro se* litigants so much latitude. He said that Chief Justice Leo Strine is very much behind the efforts of another task force, on which he (Mr. Bounds) serves, to bring legal services to *pro se* litigants. He said there is discussion about opening up Family Court to non-lawyers and allowing paralegals to perform certain tasks now requiring the services of an attorney. He referred to this movement as “unbundling legal services.”

### **False Allegations**

Rep. Ramone recommended that the Commission have an intensive discussion about the issue of “Protection from Abuse” orders (PFAs) and their possible misuse as a tool in custody debates and other proceedings, particularly since this subject was prominently featured in the remarks of several of those who testified at the public hearing. He said that having people being coached in how to misuse the PFA process for legal advantage in child custody proceedings is not right. He advocates open discussions with attorneys, victims and others involved, noting that

“the people really getting clobbered are the kids.” He expressed the view that more public awareness and open discussion might lead to the resolution of some of the existing problems with PFAs.

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

Dr. Gonzales asked if there are any models which might be used to guide a change in the law governing PFAs. Judge Walls replied that the Family Court Enhancement Project has been dealing with PFAs and looking at practices in other states.

Mr. Bounds suggested that it might be useful to ask either the House or Senate Judiciary Committee to hold a hearing on the subject of PFA misuse. Senator Ennis said that he feels we ought to start at the Family Law Commission level first.

Ms. Kokjohn said it would be important to make sure that advocacy groups for women and similar groups be here to take part.

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

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

The meeting was adjourned at approximately 11:40 a.m.

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#### Upcoming meetings:

April 14, 2016, 9:30-11:30 a.m., Senate Hearing Room, Second Floor, Legislative Hall

May 12, 2016, 9:30-11:30 a.m., Senate Majority Caucus Room, First Floor, Legislative Hall

Sept. 15; 2016, 9:30-11:30 a.m., Senate Hearing Room, Second Floor, Legislative Hall

Nov. 17, 2016, 9:30-11:30 a.m., Senate Hearing Room, Second Floor, Legislative Hall