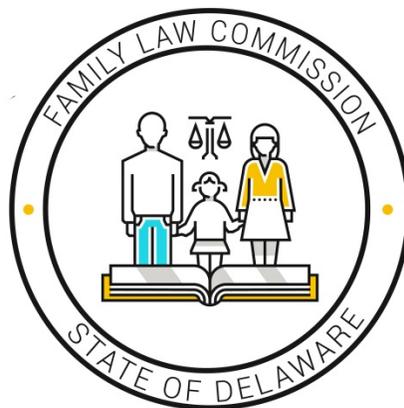


Family Law Commission Minutes

Meeting of Thursday, May 17, 2018

Senate Hearing Room, Second Floor, Legislative Hall, Dover, Delaware



Members Present

Curtis Bounds, Esq., Chair
Senator Stephanie L. Hansen
Rep. Michael Ramone
Ms. Lynn Kokjohn
Dr. Diana Metzger
Ms. Raetta McCall

Staff Members

Dick Carter, Senate staff
Julia Dumas-Wilks, Division of Research staff
Jennifer Parrish, Senate staff
Edwin Hernandez-Vargas, House staff

Special Guests

Senator Bruce C. Ennis, former Commission member
The Hon. Michael Newell, Family Court Chief Judge
Eleanor Torres, Counsel to the Chief Judge
Family Court Administrator Saul Hernandez

Members of the Public

Three members of the public were present

Meeting Summary

Chairman Bounds called the meeting to order at 9:40 a.m.

The draft 2017 Annual Report will be further considered at the Sept. 20, 2018 meeting of the Commission.

A quorum not being present, the minutes of the April 19, 2018 meeting will be considered at the Sept. 20, 2018 meeting.

Presentation by Senator Bruce C. Ennis

Senator Ennis made a presentation to the Commission on a recent trip he had taken to Hartford, Connecticut, together with Commission members Rep. Ramone, Ms. McCall and Mr. Morning to study family court procedures in that state. He noted that among other features of the Connecticut Family Court system, juveniles do not testify, litigants are not banned from taking a friend with them into court, there is enhanced accountability, and judicial decisions are handed down within 120 days. Judges serve eight-year terms and each year they are transferred to a new assignment, not necessarily within family court.

Rep. Ramone spoke of what he said was a different atmosphere in the Connecticut court. He said that the three main differences he observed were (1) the technology; (2) the ambience from top to bottom which, he said, was not a show for the benefit of the Delaware visitors; and (3) the degree of professionalism.

(NOTE: A written report from Senator Ennis providing further details is attached to these minutes)

Annual Presentation on the Delaware Family Court

Chief Judge Michael Newell, accompanied by the new Court Administrator, Saul Hernandez and Eleanor Torres, Counsel to the Chief Judge, appeared before the Commission for Judge Newell to provide an annual report on the court.

He noted that the court's adult criminal caseload increased from 3,687 cases in 2016 to 4,273 cases in 2017. He explained that the court assumed jurisdiction over domestic violence cases that caused the uptick in the caseload.

Judge Newell said that the court's juvenile delinquency caseload declined from 5,109 cases in 2016 to 4,345 cases in 2017. This decrease, he said, was caused by the court's expungement process.

He spoke of some new developments, such as the publication of cases on the court website, court orders sent out by email as of 1 June 2017, and establishing initial judge assignments, effective 1 July 2017, which allows judges to make decisions early on in a case.

He said that Delaware is one of four states nationally to have received a federal grant to fund a Family Court Enhancement Project. Among its new initiatives is "PFA Days," in which the court devotes additional time to Protection From Abuse cases. New Castle County now has two PFA days per week under a pilot program that began in May, 2017. Kent and Sussex implemented the program in October, 2017.

Other improvements include:

- Domestic Violence Training for court staff.
- Improved materials made available for self-represented litigants and staff.
- Policy and procedure revisions.
- Continued progress is being made under the Family Court Enhancement Project on:
 - Improvements to resource centers in all three counties.
 - PFA information packets and revised custody packets.
 - Specific findings documented in PFA orders.
 - Informing judges when a PFA is filed in that judge's active custody case (the judge may elect to take oversight of the PFA away from the commissioner overseeing it).

- Practice guidelines are now nearing completion both for attorneys and for pro se litigants.
- The court is also addressing the perceived abuse of the PFA process by some litigants.
- Guardianship procedures are being improved.
- The court has established a jurisdictional improvement committee.
- The court is continuing to improve access to justice and is working to improve the call center.

Statewide, the court resource centers served 50,000 litigants in 2017—24, 000 in New Castle County, 15,000 in Kent County, and 11,000 in Sussex County.

Judge Newell also spoke on the status of efforts to get new Family Courthouses in Kent and Sussex Counties. He noted that the estimated cost for each courthouse is \$150 million to \$200 million and that they will take two to three years to build. The present Kent County Family Court building has 45,000 sq. ft. of space; 99,914 sq. ft. is needed. The present Sussex County Family Court building has 31,000 sq. ft. of space; 107,325 is needed.

(NOTE: A copy of Judge Newell's Powerpoint detailing the contents of his report is attached to these minutes)

The meeting was adjourned at 11:45 a.m.

The next Commission meeting will be held in the Senate Hearing Room on the 2nd floor of Legislative Hall on Thursday evening, Sept. 20, 2018, from 6:30-8:30 p.m.