



# CHIEF JUDGE CHANDLEE JOHNSON KUHN

We are pleased to present the annual report of the Family Court of the State of Delaware. Family Court remains firmly committed to its statutory mission set forth in 10 *Del.C.* § 902(a),

*“The court shall endeavor to provide for each person coming under its jurisdiction such control, care, and treatment as will best serve the interest of the public, the family, and the offender, to the end that the home will, if possible, remain unbroken and the family members will recognize and discharge their legal and moral responsibilities to the public and to one another.”*

### **COURT IMPROVEMENT PROJECT (CIP)**

The Court Improvement Program (CIP) is a multi-year, federally funded grant project designed to support state courts in efforts to improve their handling of cases involving children in foster care, termination of parental rights and adoption proceedings. Delaware has participated in this project since its inception in 1994 and continues to utilize this federal resource to embark on a dynamic new partnership with the child welfare system by focusing on the common goal of improving the safety, stability and well-being of children who have experienced abuse and neglect.

Initial CIP efforts resulted in today's best practice of having all stages of a dependency and neglect case heard by the same judge within a schedule of hearings and reviews that meet federal standards. More children and parents have representation, case plans are more meaningful, orders more consistently include detailed reasoning, and reunification or permanency is achieved in a more timely manner.

The Court is building on that foundation through a more active partnership with others in the child welfare system, primarily the Division of Family Services, but also with legal professionals, advocates and service providers. A number of judges serve as champions in particular subject areas, enabling the Court to participate more proactively than reactively with other stakeholders.

Highlights include:

The Family Court successfully applied for additional CIP grant funding to address data and training needs.

A data collection tool was designed, and data collection was piloted, to help analyze barriers to timely case movement. However, the project has outgrown the capacity of a simple Excel tool, and a separate database is being designed for implementation Fall 2009.

A statewide multidisciplinary focus group helped plan the Court's three-year schedule of professional development and education opportunities sponsored by the CIP. This included support of Finding Words (Children First). In addition, the Court is building on two sessions offered last year about students in care. In September 2008, judges spent the day with ABA experts on the ABA Blue Print for Change regarding the educational needs and rights of students in care. This training was then offered to attorneys involved in dependency and neglect cases, as well as attorneys for the Department of Education and individual school districts. The ABA returned to Delaware

## FAMILY COURT

in September 2009 to provide a full-day session for staff of the Department of Services for Children, Youth and Their Families. Endless Dreams, a companion curriculum on the same subject from the Annie E. Casey Foundation, was introduced to Delaware school chiefs at the same time, with the intent of bringing that training to the broader education community soon after.

The Family Court actively planned and participated with DSCYF in preparation for the federal Child and Family Services Review, as well as the crafting of its program improvement plan (PIP) to further the goal of providing all children with safe, permanent families in which their physical, emotional, and social needs are met. Members of the Court participate in ongoing workgroups focused on fulfilling the quarterly goals of the plan.

Collaboration is advanced through quarterly meetings between Court and DFS leadership.

Additional collaboration is occurring at the county level through quarterly stakeholders meetings intended for partners to remedy local challenges and share beneficial information.

In Spring 2009, the CIP Judges met with the Youth Advisory Committee (YAC) to discuss matters of interest to youth in foster care. YAC members and Judges remain in contact, and YAC members are speaking at Court sponsored training sessions.

The path forward includes: utilizing additional federal support to enhance data collection and analysis in order to specifically identify areas for improvement, to offer a schedule of educational opportunities for judicial officers and others in order to achieve improvements, and to collaborate with partners on replicating best practices statewide.

Because of its sweeping systemic reforms, the Delaware Family Court was selected as a study site for the U. S. Department of Health and Human Services (HHS) to evaluate the impact of CIP. Pal Tech is conducting the court-focused evaluation in New Castle County under contract with HHS. The study began in the fall of 2006 and will take place over a five-year period. It includes observations and em-

pirical information regarding the impact of court reforms, including their influence on the Division of Family Services and its ability to meet federal child welfare requirements.

### JUVENILE JUSTICE

#### *Mental Health Diversion Court*

In 2006, the Family Court, in collaboration with the Office of the Public Defender and the Division of Child Mental Health, received federal grant money through the Criminal Justice Council to pilot a Mental Health Diversion Court for juveniles with delinquency charges pending against them in the New Castle County Family Court. The program offers a treatment-based resolution of the delinquency charges of juvenile offenders with mental health disorders. The program began in January of 2007 and quickly acquired a full caseload. Since the programs inception, 73 juveniles have entered into the program and 47 have graduated.

In conjunction with the Mental Health Court program, the Family Court in New Castle County has created a dedicated juvenile competency calendar for conducting competency hearings and monitoring compliance with treatment recommendations for non-competent juveniles still facing open charges. One dedicated judge is assigned to hear and track all of the competency hearings.

#### *Gun Court*

In response to the increasing level of gun violence in the state, Chief Judge Kuhn implemented a Gun Court calendar in New Castle County. The Chief Judge presides over the calendar, which occurs once a week, and hears all case reviews, preliminary hearings and motions for all cases involving juveniles with firearm charges, as well as reviews after a finding of guilt or as a condition of a sentence. The specialized calendar began in April of 2009 and recently expanded to Kent and Sussex Counties in August.

As a result of the collaboration between the Family Court, Department of Justice, Department of Services for Children, Youth and Their Families, and law enforcement, Gun Court has been effective in substantially decreasing the population of juveniles charged with gun crimes being detained at the New Castle County Detention Center. These serious cases are being resolved more quickly and efficiently and are subject to judicial oversight.

## SERVICES FOR SELF-REPRESENTED LITIGANTS

In its continued effort to serve the ever-growing *pro se* litigant population, the Family Court introduced several new initiatives during the past year, while continuing to offer a high level of service to those who seek assistance in representing themselves. Over 57,000 litigants were assisted in the Family Court Resource Centers statewide, reflecting the national and statewide trend of increasing self-representation in domestic relations law. The Sussex County and Kent County Resource Centers helped over 12,000 and 14,000 people respectively, while the New Castle County Resource Center assisted over 31,000 people; an average of over 130 litigants per day.

As a result of these growing numbers as well as a need to consolidate staffing resources, the Family Court opened a new Resource Center within the New Castle County Courthouse adjacent to the Family Court's intake center. Utilizing space and materials already available, the Family Court was able to construct a Resource Center consistent with best practices in the area of self-representation. This joint Resource Center and intake area provides litigants with one place to meet all of their filing needs for Family Court as well as access to knowledgeable staff, the internet, instructional packets and forms.

In addition to the creation of a new Resource Center, the Family Court continued in its course of providing innovative services to litigants by offering online forms creation and filing in partnership with nCourt, a government services company. On June 8, 2009, the Family Court of the State of Delaware launched a new e-delivery service for both *pro se* or self-represented litigants and attorneys.

In partnership with nCourt, the Family Court developed an automated and secure filing system which is funded by the users who pay a small convenience fee. The system prompts litigants to fill in information and answer a series of questions related to their filing, while at the same time providing them with instructions and information related to their filing and the law. At the conclusion of the questions, the system creates the forms that need to be filed for a particular type of pleading. Litigants then pay their court fees and a convenience fee online and are notified when the Family Court has accepted and processed their petition. The end result is a more accurate and legally correct pleading that can be created and filed at the litigants' convenience.

The Family Court continued its efforts to develop and implement instructional packets and resources in a variety of new areas including standby guardianship, parental visitation, grandparent visitation and preparation for court hearings. These materials are in addition to the instructional materials previously available in the areas of divorce, custody, custody modification, guardianship, permanent guardianship, visitation, termination of parental rights and adoption. These materials provide in depth information to *pro se* litigants regarding the completion of court forms, court procedure and information to assist them in preparing for their hearing. These materials are available at each Family Court Resource Center and on the Family Court webpage, which continues to be a significant and valuable source of information for the self represented population.

Using available technology to further assist *pro se* litigants, the Family Court has also begun the process of producing short instructional videos to supplement the book and internet resources currently available. These videos offer yet another means of providing information and instruction to the self-represented. Family Court expects to make its first video available in the fall of 2009.

The Director of Pro Se Services continues to serve as the Court liaison to the Family Law Commission and provides a yearly presentation to that body regarding the services available to *pro se* litigants. Additionally, the Director holds seminars for *pro se* litigants on the topics of custody and guardianship.

These various programs, resources and practices continue to not only enhance the public's access to the Court, but also to augment litigants' participation in the Court process and contribute to the efficiency of Court operations.

## DOMESTIC VIOLENCE

In staying at the forefront of developments in the area of domestic violence, the Family Court has taken on a number of tasks to promote forward momentum in this area.

In its continued efforts to provide protection and relief to victims of domestic violence, as well as ensure treatment and counseling for offenders, Family Court has created a specialized domestic violence court. The intention of this specialized court is twofold: to create

## FAMILY COURT

greater continuity in Family Court cases involving domestic violence and to create a more standardized system of compliance for offenders.

In January 2008, Family Court began conducting Protection From Abuse review hearings. These hearings are being scheduled before the Court when a Respondent has not complied with the evaluation and treatment conditions of an active Protection From Abuse order. These reviews do not require the Petitioner to file a contempt petition in order for a hearing to be scheduled.

Finally, in addition to conducting PFA review hearings, Family Court was able to secure federal grant money creating the position of a Domestic Violence Court Project Coordinator to promote the efforts of the specialized domestic violence court statewide. The Coordinator will monitor compliance, provide training to court staff as needed and attend various meetings of the Domestic Violence Coordinating Council on behalf of Family Court.

### **COURT APPOINTED SPECIAL ADVOCATE (CASA) PROGRAM**

The Family Court CASA Program is a member of the National CASA Association. This program continues to recruit and train volunteers to provide advocacy for children before court proceedings. The CASA volunteers establish the child's best interest by gathering information and monitoring the circumstances surrounding the child(ren) in question. The statewide program continues to operate within each Family Court location. Diligent efforts are in place to train and recruit interested individuals to be a powerful voice for children. The CASA Program participated in many community events such as the Hispanic Job Fair, Sickle Cell Tennis Match, Delmar Community Fair, Delaware Paralegal Conference, and a host of other civic and church outreach activities. As a result, the program has increased the exposure and knowledge about volunteer opportunities. The program continues to double the new volunteers from the previous year. The CASA Program has been a model used by National CASA to share with other CASA program across the country in reference to our volunteer recruitment, new volunteer and diversity training.

Currently the program has over 255 volunteers serving over 565 children. Our diverse group of volunteers represents many professionals from distinct backgrounds and locations within the state. New volunteer training (offered quarterly) and in-service trainings

(offered monthly) are extended to all volunteers within the program. Each volunteer receives 30 hours of continuing education a year (12 hours are required annually). Over 2500 hours of service are given by the volunteers on a monthly basis, as they speak for the children we serve. The Family Court CASA Program is growing and making a difference for Delaware's children.

Family Court has provided effective legal representation for children through CASA and the Office of Child Advocates (OCA). During 2009 there were several children without legal representation and the number continued to grow as resources were sought. The efforts of CASA and OCA will have help to provide one hundred percent representation of all children before dependency proceedings by the end of 2009.

### **HUMAN RESOURCES – THE FUTURE**

Family Court's Human Resources Department is under new leadership. Due to the retirement of Robert Klosiewicz, Sara A. Evans was appointed the new Director of Human Resources, effective June 8, 2009.

In light of the economic challenges the State is facing, under the auspices of Sara Evans, the Human Resources Department for Family Court has developed a strategic plan which focuses on employee engagement, effective leadership and developing 'Best Practices' pursuant to Family Court's operational goals. Our long-term focus is to provide an approach to human resource management which will allow the development and implementation of HR programs that will help develop and expand the talents of our employees.

Employee engagement is essential to the overall success of our court. Statistics show that when employees are engaged in the workplace, they are more efficient and productive when performing their respective duties. Employee engagement further extends workforce commitment, both emotional and intellectual; which is relative to accomplishing the work, mission, and vision of our court .

Effective leadership is equally important as today's leaders must focus on the professional needs of their employees and ensure they have the necessary resources and tools to perform their jobs. The leadership team of Family Court will focus on acquiring creative strategies to help develop the future leaders of Family Court.

## FAMILY COURT

Implementing 'Best Practices' throughout the Court's operations will ensure employees are performing in the most efficient and effective ways when accomplishing work-related tasks. Successfully identifying and applying 'best practices' can also reduce business expenses and ultimately improve organizational efficiency.

Overall, the Human Resources Department in conjunction with the Administrative Leadership Team will be challenged in many aspects to continue to provide quality service in its operations. By adhering to the above strategies, the Court is confident that we will continue to build a stronger and more productive work-force.

### MEDIATION

On January 7, 2008, Family Court in Sussex County started a pilot project whereby unsuccessful support mediation under Title IVD of the Social Security Act was immediately taken before a commissioner for resolution. This eliminated the need for litigants to take another day off from work to make an additional appearance in Court as well as expediting child support to the children in question. It also freed up much needed calendar time for the commissioners. For the first 6 months of 2008, the percentage of cases resolved the same day was over ninety percent. The program has since been expanded to Kent and New Castle Counties with similar results.

### "JOURNEY TO EXCELLENCE" PROGRAM

In 2008, Family Court for the State of Delaware implemented the "Journey to Excellence" Employee Incentive Program. The program was designed to award employees for their personal and professional accomplishments achieved throughout the year with the Court.

The program featured a total of six categories in which employees had the opportunity to receive a service emblem for their efforts. The six categories were Excellent Customer Service, Professional Development, Peer Recognition, Education & Training, Process Improvement and Special Recognition.

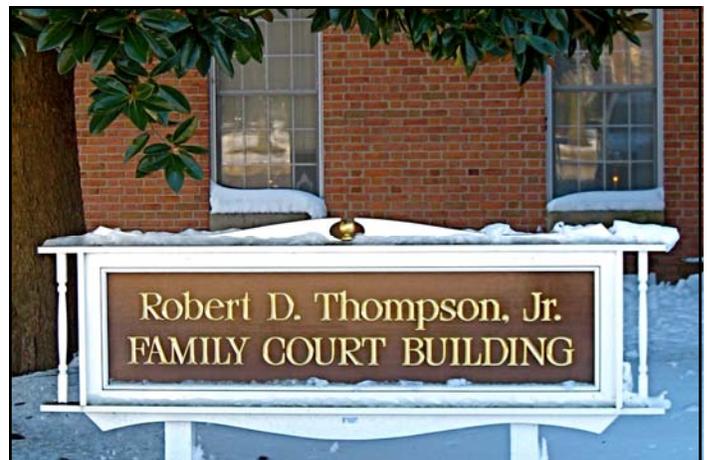
The program proved to be a huge success for Family Court and resulted in a total of 42 employees being recognized for their overall accomplishments.

### ROBERT D. THOMPSON COURTHOUSE DEDICATION

On September 24, 2008, members of all three branches of state government gathered in front of Sussex County Family Court with friends, former employees and family members of the late Chief Judge Robert D. Thompson Jr. to pay tribute and to dedicate the courthouse in his memory. Senate Bill 289 was sponsored by the late Senator Thurman Adams and co-sponsored by all of the Sussex County Legislators. The bill passed both houses unanimously and was signed by Governor Minner on July 18, 2008. On this sunny but windy day, Chief Judge Thompson was remembered for his service to the community and his impact on the judicial system throughout the state.

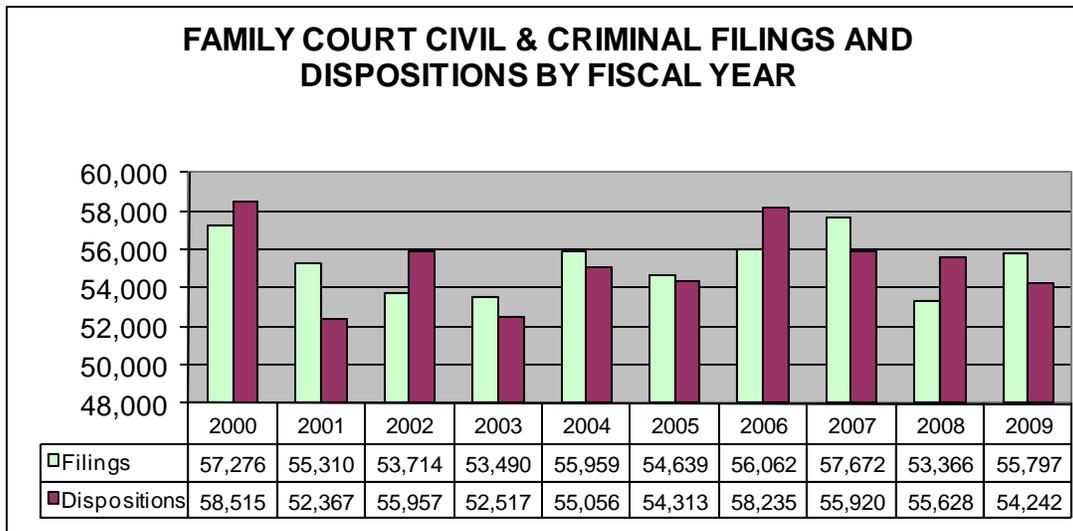
A native of Sussex County, Chief Judge Thompson was especially proud of the Sussex County Courthouse. It was only fitting that his family unveiled the new sign renaming the courthouse the "Robert D. Thompson Jr. Family Court Building".

The Honorable Robert D. Thompson, Jr. was appointed to the bench as Family Court judge on February 6, 1962. After serving 12 years, on October 25, 1974, Judge Thompson was appointed by Governor Tribbitt as the chief judge of the statewide Family Court. During his tenure, Chief Judge Thompson oversaw the construction of three new courthouses for Family Court, one in each of the three counties. Chief Justice Steele noted Chief Judge Thompson was both an innovator and a visionary who brought much needed growth to the judicial system in the state.



# FAMILY COURT

**FAMILY COURT CIVIL & CRIMINAL FILINGS AND DISPOSITIONS BY FISCAL YEAR**



## LEGAL AUTHORIZATION

The Constitution of Delaware, Article IV, Section 1, authorizes the Family Court.

## COURT HISTORY

The Family Court of the State of Delaware has its origin in the Juvenile Court for the City of Wilmington, which was founded in 1911. A little over a decade later, in 1923, the jurisdiction of the Juvenile Court for the City of Wilmington was extended to include New Castle County. In 1933, the Juvenile Court for Kent and Sussex Counties was created. From the early 1930s, there was a campaign to establish a Family Court in the northernmost county, and this idea came to fruition in 1945 when the legislature created the Family Court for New Castle County, Delaware. In 1951, legislation was enacted to give the Juvenile Court for Kent and Sussex counties jurisdiction over all family matters, and in early 1962, the name of the Juvenile Court for Kent and Sussex counties was changed to the Family Court for Kent and Sussex Counties.

As early as the 1950s, the concept of a statewide Family Court had been endorsed. The fruition of this concept was realized with the statutory authorization of the Family Court of the State of Delaware in 1971.

In 2005 Family Court was granted Constitutional status by an act of the General Assembly.

## GEOGRAPHIC ORGANIZATION

The Family Court is a unified statewide court with branches in New Castle County in Wilmington, Kent County in Dover and Sussex County in Georgetown.

## LEGAL JURISDICTION

The Family Court has had conferred upon it by the General Assembly jurisdiction over statutorily enumerated juvenile delinquency matters, child neglect, dependency, child abuse, adult misdemeanor crimes against juveniles, child and spousal support, paternity of children, custody and visitation of children, adoptions, terminations of parental rights, divorces and annulments, property divisions, specific enforcement of separation agreements, guardianship over minors, imperiling the family relationship, orders of protection from abuse and intra-family misdemeanor crimes.

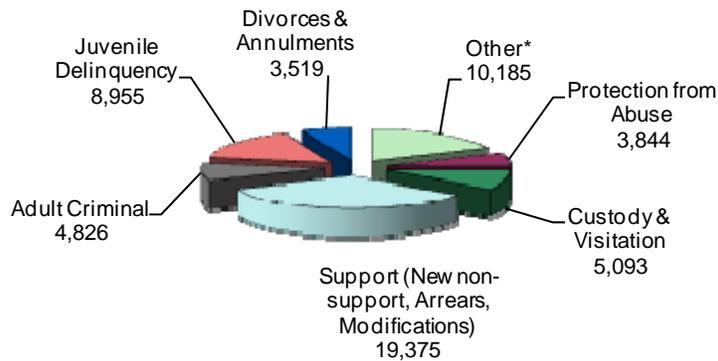
Cases are appealed to the Supreme Court with the exception of adult criminal cases which are appealed to the Superior Court.

## JUDGES

Family Court has 17 judges of equal judicial authority, one of whom is appointed by the Governor as Chief Judge and who is the chief administrative and executive officer for the Court. A bare majority of the judges must be of one major political party with the remainder of the other major political party.

# FAMILY COURT

## NUMBER OF FAMILY COURT FILINGS BY TYPE FY 2009



\*Includes civil contempt, adoption, termination of parental rights & miscellaneous.

The Governor nominates the judges, who must be confirmed by the Senate. The judges are appointed for 12-year terms. Judges must have been duly admitted to the practice of law before the Supreme Court of Delaware at least five years prior to appointment and must have a knowledge of the law and interest in and understanding of family and children's issues. They shall not practice law during their tenure and may be re-appointed.

### COMMISSIONERS

Family Court has 16 commissioners of equal judicial authority. Commissioners are attorneys at law who are nominated by the Governor, confirmed by the Senate and serve an initial four-year term. Upon second and subsequent appointments and confirmation, commissioners serve six-year terms.

Commissioners hear a broad range of cases including child support, misdemeanor crimes and delinquency,

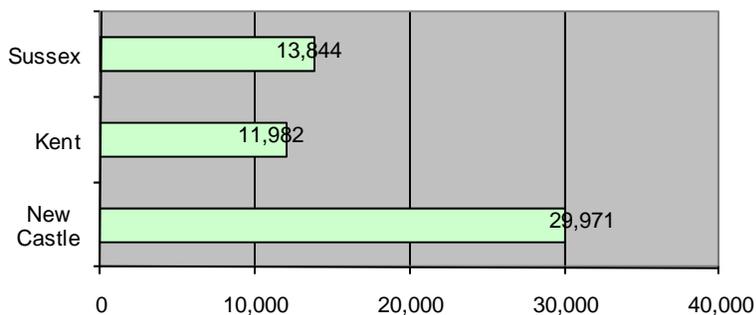
civil protection petitions, bail hearings and other cases as assigned by the Chief Judge. Orders from commissioners are subject to review by Family Court judges.

During this fiscal year, Commissioner Patricia Tate Stewart retired after almost 30 years of service with the State of Delaware.

### ADMINISTRATIVE SUPPORT PERSONNEL

The Family Court has an administrative support staff of 300 full-time positions in addition to the above-referenced judges and commissioners. The Court's administrative support staff includes positions such as the court administrator, directors of operations, supervisors, clerks of court, administrative specialists, accountants, judicial assistants, mediation/arbitration officers, intake officers, program coordinators and interns working in all areas of the Court.

## NUMBER OF FAMILY COURT FILINGS BY COUNTY\* FY 2009



\*VOP's were not reported prior to fiscal year 2009.

## FAMILY COURT



***Front row (sitting left to right)***

Judge William M. Nicholas  
Judge Jay H. Conner  
Chief Judge Chandlee Johnson Kuhn  
Judge Kenneth M. Millman  
Judge William J. Walls, Jr.

***Second row (standing left to right)***

Judge Arlene Minus Coppadge  
Judge Aida Wasserstein  
Judge Barbara D. Crowell  
Judge Joelle P. Hitch  
Judge Mardi F. Pyott

***Back row (standing left to right)***

Judge Mark D. Buckworth  
Judge Peter B. Jones  
Judge Michael K. Newell  
Judge William L. Chapman, Jr.  
Judge Robert B. Coonin  
Judge John E. Henriksen  
Judge Alan N. Cooper