

IN THE SUPREME COURT OF THE STATE OF DELAWARE

SAMUEL HUGHES,<sup>1</sup>

Petitioner Below,  
Appellant,

v.

THERESA STEVENS,

Respondent Below,  
Appellee.

§

§ No. 340, 2023

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§ Court Below—Family Court  
§ of the State of Delaware

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§ File No. CN22-01948

§ Petition No. 22-16666

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Submitted: July 12, 2024

Decided: July 26, 2024

Before **SEITZ**, Chief Justice; **VALIHURA** and **GRIFFITHS**, Justices.

**ORDER**

Upon consideration of the appellant’s briefs and the Family Court record, it appears to the Court that:

(1) The petitioner below-appellant, Samuel Hughes (“Father”), filed this appeal from the Family Court’s order, dated September 11, 2023, dismissing his petition for custody of his son (the “Child”). After careful consideration of Father’s arguments, we conclude that the Family Court’s judgment should be affirmed.

(2) Father and Theresa Stevens (“Mother”) are the parents of the Child, who was born in 2018. On May 23, 2022, the Family Court granted the Department

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<sup>1</sup> The Court previously assigned pseudonyms to the parties under Supreme Court Rule 7(d).

of Services for Children, Youth and Their Families/Division of Family Services (“DFS”) petition for emergency custody of the Child.<sup>2</sup> With the filing of the dependency-and-neglect petition, the mandated hearings ensued.<sup>3</sup>

(3) On August 3, 2022, Father filed a petition for custody of the Child. He alleged that the Child was not safe in Mother’s care. The Family Court consolidated Father’s petition with the ongoing dependency-and-neglect proceedings and stayed the petition until further order of the court. On May 16, 2023, the Family Court granted DFS’s motion to change the permanency goal from reunification to concurrent goals of reunification and termination of parental rights.<sup>4</sup>

(4) After hearings in August 2023, the Family Court terminated the parental rights of both parents in a decision dated September 11, 2023.<sup>5</sup> As to the Father, the Family Court found by clear and convincing evidence that he had failed to plan adequately for the Child’s needs under 13 *Del. C.* § 1103(a)(5) and termination of his parental rights was in the Child’s best interests.<sup>6</sup> This Court affirmed the Family Court’s judgment.<sup>7</sup>

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<sup>2</sup> *Hughes v. Dep’t of Servs. for Children, Youth and Their Families/Div. of Family Servs.*, 2024 WL 1334163, at \*1 (Del. Mar. 28, 2024).

<sup>3</sup> When a child is removed from his home by DFS and placed in foster care, the Family Court is required to hold hearings at regular intervals under procedures and criteria detailed by statute and the court’s rules. 13 *Del. C.* § 2514; Del. Fam. Ct. Civ. P. Rs. 212-219.

<sup>4</sup> *Hughes*, 2024 WL 1334163, at \*2.

<sup>5</sup> *Id.* at \*3.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at \*4-5.

(5) On September 11, 2023, the Family Court also issued an order dismissing Father’s custody petition as moot in light of the termination of his parental rights. This appeal followed.

(6) Our appellate review of a Family Court decision “extends to both the facts and the law as well as to a review of the inferences and deductions made by the trial judge.”<sup>8</sup> We review legal rulings *de novo*.<sup>9</sup> The Family Court’s factual findings will not be disturbed on appeal if they are supported by the record and are the product of an orderly and logical deductive process.<sup>10</sup>

(7) On appeal, Father argues that the Child should be returned to him because DFS engaged in misconduct and should not have been permitted to take the Child from his biological family. Father sought the return of the Child throughout the dependency-and-neglect and termination-of-parental rights proceedings, but the Family Court determined that the Child should remain in DFS’s custody and granted DFS’s petition for termination of Father’s parental rights. In terminating Father’s parental rights, the Family Court weighed the best-interest factors under 13 *Del. C.* § 722 and concluded that it was in the Child’s best interests to terminate Father’s parental rights. The best-interest factors enumerated in Section 722 are equally

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<sup>8</sup> *Mundy v. Devon*, 906 A.2d 750, 752 (Del. 2006).

<sup>9</sup> *Id.*

<sup>10</sup> *Wife (J.F.V.) v. Husband (O.W.V., Jr.)*, 402 A.2d 1202, 1204 (Del. 1979).

applicable to termination-of-parental-rights proceedings and custody proceedings.<sup>11</sup> Father could not obtain custody of the Child without showing that it would be in the Child's best interests.<sup>12</sup> Given the Family Court's holding that termination of Father's parental rights was in the Child's best interests, which this Court has affirmed,<sup>13</sup> the Family Court did not err in dismissing Father's petition for custody of the Child.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Family Court is AFFIRMED.

BY THE COURT:

/s/ Collins J. Seitz, Jr.  
Chief Justice

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<sup>11</sup> *In re Burns*, 519 A.2d 638, 644 (Del. 1986).

<sup>12</sup> 13 *Del. C.* §§ 722, 728.

<sup>13</sup> *See supra* n.7.