

# FAMILY COURT



## FAMILY COURT

### CHIEF JUDGE MICHAEL K. NEWELL

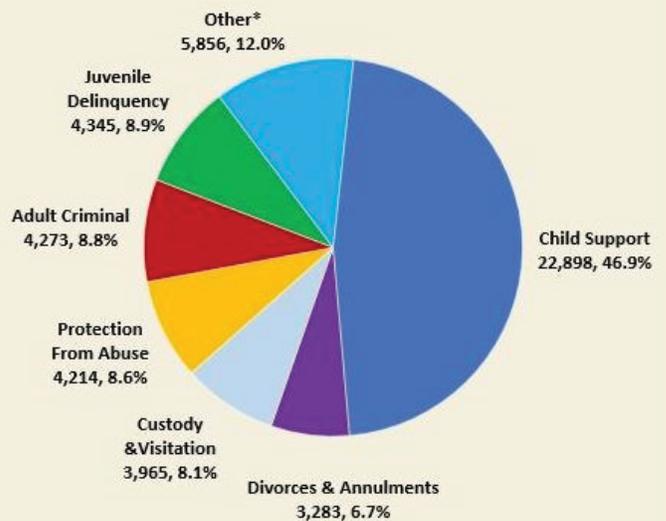


Family Court strives to provide equal access to justice to the families and children under our jurisdiction in a manner that is fair and efficient and that maintains the public's trust in an independent and accountable judiciary.

many of the recommendations. Commissioners are including findings of fact as part of their issued protection orders, domestic violence training was planned and held for Family Court's mediators, pretrial procedures and rules are being revised to

In Fiscal Year 2017, Family Court focused on several initiatives to further our goal of providing equal access to justice. Specifically, the Family Court moved into the implementation phase of the Family Court Enhancement Project (FCEP). After several years of committee work, the FCEP issued a report in December 2016 with more than 60 recommendations. Assisted by a project director, and with technical assistance from the Department of Justice's Office on Violence Against Women, the National Council of Juvenile and Family Court Judges, the Battered Women's Justice Project, the Center for Court Innovation, and the National Institute for Justice, Family Court began implementing

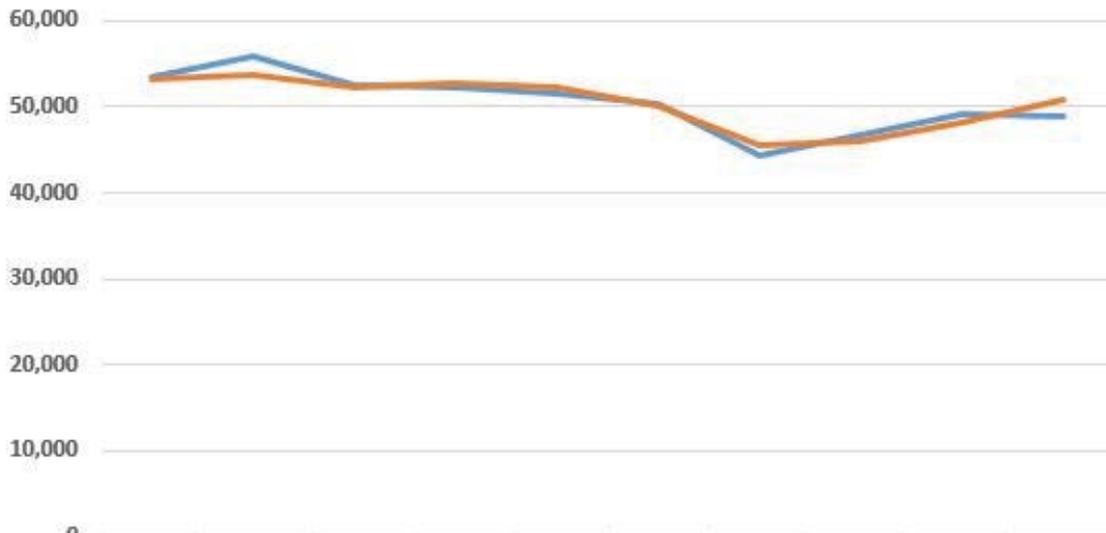
#### FAMILY COURT FILINGS BY TYPE FY 2017



\*Includes dependency/neglect, civil contempt, civil dissolution, guardianship, spousal support, expungements, adoption, termination of parental rights, imperiling family relationships, minor to marry & miscellaneous.

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Family Court Civil & Criminal Filings & Dispositions by Fiscal Year



	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Filings	53,366	55,797	52,580	52,189	51,568	50,364	44,243	46,681	49,093	48,834
Dispositions	53,211	53,772	52,353	52,661	52,213	50,191	45,516	45,884	48,067	50,869

address how information is gathered and shared to make the process more efficient and meaningful for the parties, and committees have been formed to further study some of the more complex recommendations from the report. Of note, in May 2016, a pilot of a newly designed Protection from Abuse (PFA) calendar began for PFA cases scheduled in New Castle County. Utilizing a staff person as a case manager for the calendar, new forms to gather information, and a lead Judge or Commissioner, the court modeled the process observed by an FCEP committee in Winnebago County, Illinois, triaging cases more effectively, allocating resources more efficiently, and relaying information consistently. The preliminary results show that wait times have been decreased, security has been enhanced, and litigants are receiving accurate and standard information that allows them to make more informed decisions about their case. Kent and Sussex Counties will implement these changes in October 2017.

We began efforts to implement several recommen-

dations in the American College of Trial Lawyers/Delaware State Bar Association Report (“ACTL Report”), and the Family Court Rules Committee made significant progress in amending Family Court Civil Procedure Rules to incorporate best practices in civil procedure while making the rules more user-friendly.

The court’s Rules Committee drafted substantial changes to the rules related to pre-trial reports, scheduling and case management conferences, which will take effect upon approval in FY 2018. Several of the rule changes were recommended in the ACTL Report such as holding early case management conferences and the use of a custody disclosure form. And FCEP recommendations were also captured in the proposed rule changes, including eliminating the requirement that parent education be completed prior to judicial scheduling.

In addition, the court continued to analyze data to

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measure its performance in several areas, including trial date certainty, clearance rates, and time to disposition. This information is being used to identify areas for process improvement. In issuing procedures, the court continued to strive for uniformity statewide in practice and procedures as recommended in the ACTL Report.

Filings in Family Court remained consistent with last fiscal year, decreasing statewide minimally by 0.53%. New Castle County saw a modest increase in its filings at 1.14%, overall. Kent County experienced a decrease in overall filings amounting to 4.84%. And Sussex County remained most consistent with last fiscal year, only decreasing 0.66% in filings.

While juvenile delinquency saw a decrease in filings, the number of filings relating to Family Court's adult criminal jurisdiction increased the most dramatically from other petition types. The increase was 23.41% for Sussex County, 15.37% for New Castle County, and 11.31% for Kent County. The increase of 378 additional filings statewide likely is attributed directly to the expansion of the court's criminal jurisdiction to handle misdemeanor offenses between former spouses, persons cohabitating who hold themselves out as a couple with or

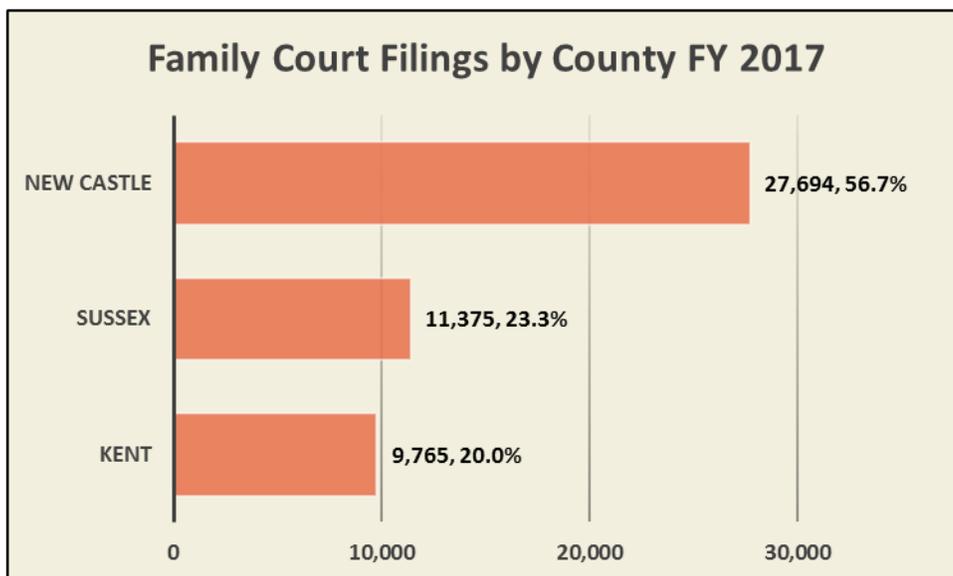
without a child in common, and persons living apart with a child in common.

The branch received funding in Fiscal Year 2017 from the Capital Improvement Committee to continue its work on the project to construct new Family Court buildings in Kent and Sussex Counties. The allocation of funding during a very difficult fiscal year is evidence of the recognition by the legislature of the need and importance of new, dignified, and secure spaces for the court. In partnership with the Office of Management and Budget, the court is beginning the process to acquire land to be used as the future sites of new courthouses.

Two new Judges and two new Commissioners joined our bench this fiscal year. The Honorable Mary Much took the oath of office in March to become the newest Family Court Judge, serving in New Castle County. Judge Much replaces the Honorable Aida Waserstein, who retired after serving more than 20 years on the Family Court. The Honorable James McGiffin was sworn in as a Family Court Judge in October 2016. He serves the court in Kent County and replaces the Honorable William Walls, who retired after serving two 12-year terms on Family Court. The Honorable Gretchen Gilchrist joined Family Court as a Commissioner in Kent

County in October 2016. Commissioner Gilchrist took the vacancy left by the appointment of Judge LouAnn Vari. Finally, the Honorable Craig R. Fitzgerald joined the court in June 2017 as a Commissioner serving in New Castle County. Commissioner Fitzgerald replaced Judge Much.

Family Court continues to examine ways to improve its processes and service to the people who appear in Family Court ♦



# FAMILY COURT



## FAMILY COURT JUDGES

**Bottom Row (from left to right):** Judge Jennifer Ranji, Judge Mary Much, Judge Arlene Minus Coppadge, Judge Felice Kerr, Judge Janell Ostroski, and Judge Barbara Crowell.

**Middle Row (from left to right):** Judge Kenneth Millman, Judge Mardi Pyott, Judge Paula Ryan and Judge Louann Vari.

**Top Row (from left to right):** Judge James McGiffin, Jr., Judge Mark Buckworth, Judge Peter Jones, Chief Judge Michael Newell, Judge Robert Coonin, Judge Joelle Hitch and Judge Natalie Haskins.

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## FAMILY COURT COMMISSIONERS

**Bottom Row (from left to right):** Commissioner Danielle Blount, Commissioner Theresa Sedivec, Commissioner Kim DeBonte, Commissioner Para Wolcott, Commissioner Angela Fowler, Commissioner Sonja Wilson, Commissioner Loretta Young, Commissioner Gretchen Gilchrist.

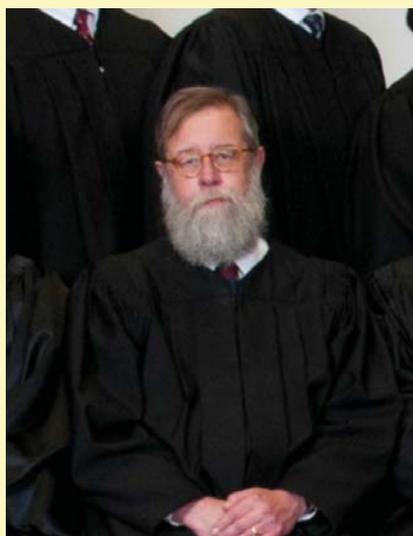
**Top Row (from left to right):** Commissioner Craig Fitzgerald, Commissioner John Carrow, Commissioner Susan Tussey, Commissioner Andrew Southmayd, Chief Judge Michael Newell, Commissioner James Maxwell, Commissioner DeSales Haley, Commissioner Jennifer Mayo.

**Not Pictured:** Commissioner David Jones.

# FAMILY COURT

## IN MEMORIAM

### The HONORABLE WILLIAM NICHOLAS



The Honorable William Nicholas passed away on June 7, 2017. Judge Nicholas, 67, retired from the Family Court on August 1, 2016 after serving a distinguished career as a Judge of the Family Court for 24 years.

He earned his bachelor's degree in philosophy from the University of Delaware, and he continued his studies at Boston University where he earned a master's degree. In 1976, Judge Nicholas earned his Juris Doctor degree from American University Law School in the District of Columbia, after which he returned to Delaware to practice law at Vaughn and Vaughn before joining Schmittinger and Rodriguez, P.A. He served the citizens of Delaware with more than 27 years of State service, including time as a

Deputy Attorney General. Judge Nicholas became a Family Court Judge on May 14, 1992. Judge Nicholas was instrumental in several legislative initiatives, the most recent being H.B. 39 and 40. Both bills addressed mental health legislation involving youth aging out of foster care and were signed into law on September 7, 2017.

*“Judge Nicholas served Family Court with distinction for twenty-four years. He was the Family Court’s ‘thinker’ and his positions and decisions were well thought out and supported with persuasive and logical reasoning. He was fiercely protective of the most vulnerable of our society, victims of domestic violence, those affected by mental illness, and children. He was a leader and the driving force behind many of our current statutes that were implemented to protect those who could not protect themselves. Most importantly, he was a devoted husband to his wife Bobbi, who passed away in 2011, and father to his son Alex.”*

**- Chief Judge Michael K. Newell**