IN THE FAMILY COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

J---- M--------,	)	
	)	
Petitioner,	)	File No. CN26-02521
	)	Case No. 26-09855
v.	)	
	)	
C-------- T-------,	)	
	)	
Respondent.	)	

ORDER ON CUSTODY AND RELOCATION
Date Submitted: July 23, 2026
Date Decided: August 5, 2026

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ARRINGTON, Judge.

The Court conducted a hearing on July 2, 2026, on the merits of a Petition for Custody and a Request for Relocation in the interest of E---------- M-------- (born 8/24/2025) ("E----------"). Present for the hearing were Petitioner J---- M---------- ("Father") and Respondent C-------- T------- ("Mother"). Father was represented by Judy M. Jones, Esquire. Mother was represented by Zachary M. Berl, Esquire. Based upon the evidence presented, the Court awards the parties joint legal custody and denies Mother's request to relocate with E----------.

PROCEDURAL HISTORY

On May 8, 2026, Father filed a Petition for Custody, sole educational and medical decision-making authority, and primary residential placement with Mother.[1] On May 26, 2026, Mother answered the Petition and counterclaimed for joint legal custody, primary residential placement, final decision-making authority, and permission to relocate to Texas with E----------.[2] Father answered Mother's counterclaim on June 2, 2026.[3] The Court held a Case Management Conference ("CMC") on June 17, 2026, and set trial for July 2, 2026.[4] At the close of trial, the Court ordered the parties to submit proposals for contact schedules by July 13,

[1] Dkt. 1; *see also* Dkt. 12.
[2] Dkt. 8; *see also* Dkt. 9.
[3] Dkt. 10.
[4] Dkt. 6, 13.

2026, and to submit closing arguments by July 22, 2026.[5] The case was under consideration as of July 23, 2026.

JURISDICTION

Father filed his Petition on May 8, 2026.[6] Both parties reside in Delaware. E---------- has resided in Delaware since birth.[7] Delaware has jurisdiction to make an initial child custody determination as it is E----------'s home state.[8]

FACTUAL BACKGROUND

The parties met in 2019, and entered into a committed relationship by 2020. At the time, both parties resided in Texas with Father living in Austin, and Mother living in Pflugerville, a suburb twenty minutes northeast of Austin. Mother moved in with Father in 2022. The parties lived together for more than one year, and began to discuss marriage and starting a family. Mother moved to Columbus, Ohio in November 2023, to accept a job that would advance her career. Father remained in Austin where he was employed.

The parties were uncertain about their future as a couple, but did not break up after Mother's move. Father visited Mother ten times while she lived in Columbus, but never relocated due to lack of employment prospects. After Mother became pregnant with E---------- following one of Father's visits, the parties

[5] Dkt. 21.
[6] Dkt. 1.
[7] *See* Dkt. 2.
[8] 13 Del. C. §§ 1902(7); 1920(a)(1).

determined that they wanted to live together again. They were able to find lucrative employment with the same employer in Delaware and moved in the Spring of 2025. They were engaged by the time E---------- was born.

According to Mother, the parties' relationship began to deteriorate within eight weeks of E----------'s birth. Father placed the onset of collapse a bit later, in December 2025, when Mother took E---------- on a trip to Texas for nearly one month. The parties separated by March 2026, but continued to reside in the same home. Father moved out of the home in May 2026. E---------- resides primarily with Mother as she is breast-feeding and the child is not yet one year old.

LEGAL STANDARD

I. Custody

Since the Court has never entered a final order on custody, residency, or visitation for E---------- after a full hearing on the merits, the Court is required to consider the best interest factors set forth in 13 Del. C. §722.[9] The Court is also

[9] 13 Del C. §722(a): The Court shall determine the legal custody and residential arrangements for a child in accordance with the best interest of the child. In determining the best interests of the child, the Court shall consider all relevant factors including:

(1) The wishes of the child's parent or parents as to his or her custody and residential arrangements;

(2) The wishes of the child as to his or her custodian or custodians and residential arrangements;

(3) The interaction and interrelationship of the child with his or her parents, grandparents, siblings, persons cohabiting in the relationship of husband and wife with a parent of the child, any other residents of the household or persons who may significantly affect the child's best interests;

(4) The child's adjustment to his or her home, school and community;

required to award both parents frequent and meaningful contact with E---------- unless it finds that contact of E---------- with one parent would endanger her physical health or significantly impair her emotional development.[10]

II. Relocation

Requests for relocation are governed by 13 Del. C. § 734, which provides as follows:

> When in the course of litigation involving custody or visitation, there is a proposed relocation of a child for a period of 60 days or more involving either a move outside the State of Delaware or a move that materially affects the current custodial and residential arrangement or order, the Court must consider the following factors:
>
> (1) The nature, quality, extent of involvement, and duration of the child's relationship with the individual proposing to relocate and with the nonrelocating individual, siblings, and other significant individuals in the child's life.
>
> (2) The age, developmental stage, needs of the child, and the likely impact the relocation will have on the child's physical, educational, and emotional development, taking into consideration any special needs of the child.
>
> (3) The feasibility of preserving the relationship between the nonrelocating individual and the child through suitable visitation

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(5) The mental and physical health of all individuals involved;

(6) Past and present compliance by both parents with their rights and responsibilities to their child under § 701 of this title;

(7) Evidence of domestic violence as provided for in Chapter 7A of this title; and

(8) The criminal history of any party or any other resident of the household including whether the criminal history contains pleas of guilty or no contest or a conviction of a criminal offense.

[10] 13 Del. C. §728(a).

arrangements, considering the logistics and financial circumstances of the parties.

(4) The child's preference, taking into consideration the age and maturity of the child.

(5) Whether there is an established pattern of conduct of the individual seeking the relocation, either to promote or thwart the relationship of the child and the nonrelocating individual.

(6) Whether the relocation of the child will enhance the general quality of life for both the individual seeking the relocation and the child, including financial or emotional benefit or educational opportunity.

(7) The reasons of each individual for seeking or opposing the relocation.

(8) Any other factor affecting the best interest of the child.[11]

Mother seeks to permanently relocate E---------- outside the state of Delaware, so the Court is obligated to weigh the eight factors set out in 13 Del. C. § 734. Past Family Court decisions suggesting that "best interest of the child" as used in 13 Del. C. § 734(8) refers to the best interest factors enumerated in 13 Del. C. § 722.[12]

Additionally, 13 Del. C. § 734 is applicable as Mother's proposed relocation would "materially affect the current custodial and residential arrangement." Although the statute does not specifically define the term "materially", past decisions of this Court indicate that the distance of the proposed relocation is a

[11] 13 *Del. C.* § 734.
[12] *L.R. v. S.R.*, 2022 WL 663333, at *1 (Del. Fam. Ct. Jan. 25, 2022).

significant consideration in the materiality inquiry. This court has found a relocation from Delaware to North Carolina to be material "[g]iven the considerable distance between [the two states]."[13] The distance between Delaware and Texas is five times greater than the distance between Delaware and North Carolina.

ANALYSIS

The factual findings are set forth in this analysis section. Phrases in quotation marks are quotes or paraphrases from the parties and witnesses at trial. The Court considered all of the testimony but finds the following as credible and relevant in the analysis of the 13 Del. C. § 722 best interest factors and the 13 Del. C. § 734 relocation factors. A complete recounting of all testimony is available on the record.

I. Custody

1. The wishes of the child's parent or parents as to his or her custody and residential arrangements;

Father seeks joint legal custody and final decision-making authority in disputes regarding E----------'s medical care, but recommends primary residential placement with Mother due to E----------'s young age and her current breast-feeding. Father believes his desire for medical decision making authority is not inconsistent with his position on primary residential placement with Mother,

[13] *Id.*

because Mother has withheld consent to each of E----------'s essential vaccinations which Father sees as a serious threat to E----------'s health requiring immediate remediation. Father hopes to have alternate weekends with E----------, in addition to a weekly dinner visit, consistent with E----------'s age and development. Until then, he seeks a flexible schedule that allows for gradual increases in parenting time. Father stated that the parties would "have to negotiate" regarding holiday parenting time. He specified that Thanksgiving and Easter are important to him and his family, but that Mother could have Christmas Eve and Christmas Day.

Mother seeks joint legal custody, primary residential placement, and permission to relocate with E---------- to Pflugerville, Texas where she owns a house. Mother suggests that Father have four visits per year in Delaware, monthly visits in Pflugerville, and "regular virtual visits" in the event that the Court grants her relocation request. Father reasonably believes Mother's proposed schedule would seriously impede his relationship with E----------.

Delaware case law suggests that best interest factor one should be considered neutral where (1) the parties' views are in opposition and (2) the parties maintain their wishes throughout the case without internal contradictions.[14] Both conditions apply here.

[14] *See T. B. v. S. R.*, No. CN25-01007, 2026 WL 446570, at *16 (Del. Fam. Ct. Feb. 4, 2026) ("[S]ince the parties' wishes are in opposition, the Court finds…factor [one] neutral.").

Factor one is neutral.

2. The wishes of the child as to his or her custodian or custodians and residential arrangements;

E---------- is too young to intelligibly express a residential preference.[15] Neither party provided testimony pertinent to this factor.

Factor two is neutral.

3. The interaction and interrelationship of the child with his or her parents, grandparents, siblings, persons cohabiting in the relationship of husband and wife with a parent of the child, any other residents of the household or persons who may significantly affect the child's best interests;

Mother testified that E---------- is bonded to her. Her friend and fellow parent-child group participant, L------- E--------, saw firsthand that Mother and E---------- "are each other's worlds." Given the amount of time Mother and E---------- have spent together, there is no reason to dispute this testimony.

Father testified that Mother allows him to see E---------- twice a week for two to three hours at a time.[16] He spends considerably less time with E---------- than Mother. Still, Father contends that E---------- is bonded to him because she

[15] *See Jarmon v. Dep't of Servs. for Child., Youth & Their Fams.*, 911 A.2d 803, 2006 WL 3113122, at *3 (Del. 2006) ("The trial judge determined that four-year-old [child] was too young to express an opinion.").

[16] Father testified that he generally tries to leave work early on Fridays to spend more time with E----------. When he is successful, he sees E---------- for four hours instead of the usual two to three.

"seeks him out for comfort" by "reaching out to [him]" when someone else is holding her. Father provided examples as recently as the weekend of June 27-28, 2026, and that she does so routinely whenever he picks her up from day care. Father engages in various activities with E----------, including trips to the park, playing at home, reading, and drawing.[17] Father admitted that he has never had an uninterrupted period of parenting time longer than seven hours, and that he has not had any overnight parenting time without Mother. Mother initially testified that she was amenable to Father having overnight parenting time once E---------- is no longer breast-feeding.

Father's family is concentrated in Chambersburg, Pennsylvania and northern Virginia. Father's Chambersburg relatives include two uncles, one aunt, his grandfather, and four cousins. His northern Virginia relatives include his parents, sister, one aunt, and one uncle. Father testified that E---------- has met all of these relatives on multiple occasions, both in Delaware and at their respective homes. He further testified that his parents and sister visited especially frequently following E----------'s birth. W----- M--------, E----------'s paternal grandmother, testified that she has visited E---------- at least six times and loves spending time with her.

Mother's siblings, parents, and nephews live in Houston, Texas. G----------

[17] *See* Pet'r's Ex. 2 (showing Father and E---------- engaged in activities together).

R---------, E----------'s maternal aunt, testified that her eighteen month-old son has met E---------- five to six times,[18] and that she and E---------- FaceTime "all the time." M------ P--------, E----------'s maternal grandmother, testified that E---------- is comfortable with her and always smiles in her presence. She has visited E---------- in Delaware three times, with each visit lasting longer than a week.

E---------- is close with both her maternal and her paternal relatives. The decisive consideration under this factor is her relationship with the parents themselves. This Court has found that best interest factor three favored the mother where "Father testified that he ha[d] a 'good relationship' with Child…but acknowledge[d] that his contact ha[d] been limited," "Mother…provided care for Child since birth," and "Mother continue[d] to nurse Child and anticipate[d] weaning during the Child's second year."[19] Each of these circumstances is present here as well.

Factor three favors Mother.

4. The child's adjustment to his or her home, school and community;

Father has lived alone in a three-bedroom home since May 15, 2026. The parties intended to share the home, and selected it out of dozens of options over the course of a months-long search. Father, now separated from Mother, chose to move forward with the purchase on his own. E---------- has her own room with

[18] Three to four of the visits were in Texas, with the rest in Delaware.
[19] *U.J. v. A.A.*, No. 23-22926, 2024 WL 4432668, at *6-7 (Del. Fam. Ct. July 23, 2024).

toys, books, and "mostly" complete furnishing at Father's home. Father testified that E---------- has been to his home "many times."

Mother moved into a new apartment sometime after the parties separated. She did not testify regarding the physical qualities of the new apartment or E----------'s adjustment thereto.

E---------- has been enrolled in day care at Bright Horizons since February 2026. The parties differ sharply as to their level of satisfaction with Bright Horizons. Father wants E---------- to remain enrolled with Bright Horizons because she is adjusted to the routine, staff members, and fellow children. He is concerned that transitioning day cares will introduce unnecessary instability into E----------'s life. However, he conceded that E---------- has frequently become sick at Bright Horizons, and that he does not have any specific issues with Mother's desired day care, Great New Beginnings. Mother wants to transition E---------- to Great New Beginnings because the Bright Horizons staff purportedly let the babies cry without intervention, a practice that Mother opposes. Mother further alleged that one of the staff members lied to her about E---------- crying. Finally, Mother contended that Great New Beginnings has a good curriculum, is better organized than Bright New Horizons, and has a live stream that enables parents to observe their children in real time.

Neither parent testified regarding E----------'s involvement in community activities.

E---------- is likely better adjusted to Mother's residence than she is to Father's, as she spends all of her nights there at Mother's insistence. However, the difference in E----------'s respective adjustment to the parties' residences is not significant, as both parents have lived at their current locations for only a few months. The parents' disagreement regarding E----------'s day care is a good faith dispute. Both parents' positions are defensible and driven by concern for E----------'s well-being. Under these circumstances, the Court finds best interest factor four to be neutral.

Factor four is neutral.

5. The mental and physical health of all individuals involved;

Father is in good mental and physical health overall. He has a minor issue with chronic lower back pain which he treats with physical therapy. Mother is in good physical health, but has experienced mental health related challenges since she was pregnant with E----------. During the last few months of her pregnancy, Mother was emotionally volatile and mentioned suicide on several occasions. On one such occasion, Father recalled observing Mother walk into the bathroom and hearing the click of a handgun. When he entered, Mother was withdrawing the gun from its case. Mother did not attempt suicide following E----------'s birth, but

continued to be plagued by constant emotional instability. By way of example, Father testified that Mother once threw a water bottle at their dog when she was particularly distraught. Mother did not comment on this allegation.

Mother began participating in therapy with A--- N---------- in October 2025. Following an assessment, Ms. N---------- diagnosed Mother with severe post-partum depression and moderate anxiety. Mother was not taking any psychotropic medication at this time. She took the assessment a second time in June 2026, to measure her progress from intake. Ms. N---------- testified that Mother's depression and anxiety levels were both "next to zero" based on the second assessment, and attributed the improvement to her Zoloft prescription. Mother testified that the improvement was driven primarily by Ms. P---------'s presence in Delaware following her separation from Father.

Father believes that Mother is no longer a threat to her own safety or to E----------'s. He has believed as much since E---------- was born, as he always felt secure leaving her alone with Mother. Mother has no current concerns regarding the impact of her mental health on her ability to care for E----------. She sees a psychiatrist once every two months, and sees Ms. N---------- at least weekly. Mother no longer keeps guns in her residence, and is looking to sell them. She no longer has any desire to engage in self-harm.

There are no current concerns with E----------'s physical health. However, Mother's position on vaccines significantly increases the likelihood that such concerns may ultimately arise. Father testified that he and Mother discussed their views on vaccination before E---------- was born. According to Father, both parents were neither categorically in favor nor categorically opposed to vaccinating E---------- immediately. Following E----------'s birth, Father maintained his view that the parents should discuss the propriety of vaccination on a case-by-case basis, while Mother developed an invariable opposition to virtually every standard vaccine. Father testified that he has asked E----------'s pediatrician to explain the benefits of vaccination to Mother at each of E----------'s medical appointments. Nonetheless, Mother has withheld her consent to every vaccine recommended by the Texas Department of State Health Services for children under six years old.[20]

Mother testified that she "needs to be convinced" that E---------- would benefit from vaccination, and that her opposition to vaccination is based on "data and research" and the evaluation of "pros and cons." In particular, Mother testified that she does not want to vaccinate E---------- because she believes, without supporting evidence, that "vaccine[s] [introduce] formaldehyde and other chemicals that can affect her mental development." Mother was specifically opposed to the MRR vaccine on the basis that "you can get measles with or

[20] *See Immunization Schedules*, Texas Department Of State Health Services (July 15, 2026, 10:19 a.m.), https://www.dshs.texas.gov/immunizations/public/schedules.

without the vaccine." Contrary to Mother's claim, these arguments are not supported by "data and research."[21] In response to the Court's questions on the basis of her belief, she replied that she had "read books and done research," but could no longer "remember the reasons" for withholding her consent to vaccinations.

The most important considerations under this factor are Mother's mental health and her position on vaccines. As to mental health, the question posed to the Court is how much weight to give to Mother's mental health during pregnancy and shortly after birth, as compared to her current status. Two cases suggest that Mother's substantial recovery should outweigh the conduct she engaged in while

[21] "The amount of formaldehyde present in some vaccines is so small compared to the concentration that occurs naturally in the body that it does not pose a safety concern." *Common Ingredients in FDA-Approved Vaccines*, U.S. FOOD AND DRUG ADMINISTRATION (July 15, 2026, 10:52 AM), https://www.fda.gov/vaccines-blood-biologics/safety-availability-biologics/common-ingredients-fda-approved-vaccines. "Two doses of the MRR vaccine are 97%…effective at preventing measles." *Measles Vaccine Recommendations*, U.S. CENTERS FOR DISEASE CONTROL AND PREVENTION (July 15, 2026, 10:42 AM), "https://www.cdc.gov/measles/hcp/vaccine-considerations/index.html; "In 2025, Texas saw the largest number of confirmed measles cases since 1992, when 990 cases were reported in one outbreak. Texas reported a total of 1,097 cases in 1992." *Measles (Rubeola) Data*, https://www.dshs.texas.gov/vaccine-preventable-diseases/vaccine-preventable-disease-conditions/measles-rubeola/measles-rubeola/measles-rubeola-data#:~:text=In%202025%2C%20Texas%20saw%20the,of%201%2C097%20cases%20in%201992 (July 31, 2026, 10:27 a.m.); *Measles Cases and Outbreaks*, U.S. CENTERS FOR DISEASE CONTROL AND PREVENTION, https://www.cdc.gov/measles/data-research/index.html, (July 31, 2026, 10:32 a.m.)(" As of July 30, 2026, 2,371 confirmed measles cases were reported in the United States in 2026"; "For the full year of 2025, a total of 2,289 confirmed measles cases were reported in the United States"; "For comparison, 16 outbreaks were reported during 2024").

still suffering from pre- and post-partum depression, including her suicide attempt.

In *B.D. v. J.D.*, as here, the mother attempted suicide while pregnant, but the father was unable to point to any recent concerning behavior, the mother was taking psychotropic medication at the time of trial, and the mother's psychologist testified that she was "fully capable of discharging her parental duties."[22] The Court ultimately awarded the parties joint legal custody and shared residential placement,[23] demonstrating that severe historical mental health concerns are an insufficient basis to deviate from the baseline expectation of joint custody as long as the Court is presented with convincing psychological evidence that the concerns have been remediated.

Similarly, in *King v. King*, the Family Court awarded the parties joint legal custody and shared residential placement, in spite of the fact that the father "threatened suicide…and…was involuntarily committed to the Rockford Center," because his "doctor and…therapist testified…that [his] mental health was good and that he was not a danger to himself or others."[24] The Delaware Supreme Court affirmed the custody determination, finding that the Family Court properly "accepted the medical evidence that [Father's mental health-related] problems

[22] *B.D. v. J.D.*, No. CN07-04006, 2009 WL 6641839, at *4, 6, 8, 13 n.13 (Del. Fam. Ct. June 15, 2009).
[23] *Id.* at *12.
[24] *King v. King*, 53 A.3d 302, 2012 WL 3984553, at *1 (Del. 2012).

were resolved."[25] This Court follows *B.D.* and *King* in focusing less on Mother's conduct during her depressive phase as compared to her subsequent progress.

Mother's position on vaccines, recommended by the State of Texas where she wishes to relocate, is not credible. While parents cannot be compelled to vaccinate their children, Delaware Courts have viewed such refusal with great skepticism.[26] The Court does not discourage parents from independently researching the science surrounding vaccination, but "Mother's research was not that of a responsible parent."[27] While both parents testified that they are willing to defer to a pediatrician's recommendation if they disagree as to whether E---------- should receive a particular vaccine, the Court is less than confident that Mother will keep her word in the absence of a Court order, as she has refused to defer to the pediatrician's recommendations thus far. In sum, E---------- is very fortunate to be in good health given that she has not received a single essential immunization.

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[25] *Id.* at *2.

[26] *See S.M.L. v. W.J.G.*, No. 18-09009 (Custody), 2019 WL 10734839, at *6 (Del. Fam. Ct. Sept. 19, 2019) (finding "Father to be more credible than Mother" where Mother "signed an affidavit to withhold required vaccinations," "prepared an ambiguous agreement attempting to limit Father to getting only those immunizations required for school-age children, notwithstanding that Harriet was only two years old," and "ignored the weight of medical science as recommended by the American Academy of Pediatrics and the Centers for Disease Control."); *Dep't of Servs. for Child., Youth & Their Fams. v. A.G.*, No. 14-10-08TN, 2015 WL 6456800, at *11 (Del. Fam. Ct. June 25, 2015) ("[Mother's] decision not to vaccinate her children…raises concerns as to whether she would assure the children would receive the appropriate medical…services and care were they returned to her. Thus, the Court finds by clear and convincing evidence, that Mother has failed to plan adequately for her children's physical needs."); *Div. of Fam. Servs. v. S.D.T.*, No. 02-09-1TK, 2003 WL 23269506, at *2 (Del. Fam. Ct. Nov. 17, 2003).

[27] *S.M.L.*, 2019 WL 10734839, at *7.

Factor five favors Father.

6. *Past and present compliance by both parties with their rights and responsibilities to their child under § 701 of this title;*[28]

Both parties provided extensive testimony on considerations pertinent to this factor. Therefore, the Court divides the factor six discussion into sections and subsections addressing each relevant topic.

I. Discharge of Parental Duties

a. Financial Support

Both parents are employed by Q----- E----------, a supplier of semiconductor components headquartered in Wilmington. Father testified that he earns sufficient income to support E----------. However, he conceded that his current support since moving into his current residence is limited to paying his proportion of her day care expenses. E---------- is on Mother's health insurance plan, and Mother pays all of E----------'s premiums and copays.

b. Child Care

The parties agree that Mother has been disproportionately responsible for E----------'s care. Ms. E-------- added that Mother is "very responsive to E----------'s needs," and Ms. M-------- testified that "C-------- is a good mom." However, the parties dispute the overall adequacy of Father's efforts to care for E----------, and

[28] 13 Del. C. § 701(a) states in relevant part: "The father and mother are the joint natural guardians of their minor child and are equally charged with the child's support, care, nurture, welfare, and education."

the extent to which he bears responsibility for those occasions when his assistance has been inadequate.

Mother estimated that she has discharged 98% of the parties' child care obligations. Mother actively asked Father for help in the weeks following E----------'s birth, but Father purportedly declined on the basis that Mother was "doing a good job" on her own. Mother's witnesses recounted conversations during which she gave similar accounts of Father's relative unhelpfulness. In particular, Ms. Nicholson testified that Mother told her that Father declined to assist her with physical tasks that she was ill-suited to perform at the time, such as carrying heavy objects. Ms. E-------- testified that Mother told her that she felt like she was raising E---------- on her own, and that she was hurt by Father's unwillingness to help with simple obligations such as changing diapers. Ms. R---------- testified that Mother told her that she "takes care of it all" and that Father has little desire to provide any further child care assistance.

According to Mother, Father not only failed to assist her with child care, but went to great lengths to avoid this responsibility. Father works from 8 a.m. to 5 p.m., but Mother testified that, starting eight weeks after E----------'s birth, Father would not return home until much later two to three times each week. When Mother asked him where he was after work, Father would allegedly either not respond or tell Mother that he was working late. When the latter situation

occurred, Mother would look at his Microsoft Teams page and see that he was not logged in, leading her to conclude that he was not actually working late. When Father finally came home, Mother contended that he would "not even acknowledge" E----------. Finally, Mother claimed that there were three nights that Father did not come home at all.

Father contended that he performed more child care tasks than Mother credits him, such as feeding E---------- and washing her bottles. He added that he performed those tasks competently, as he learned how to care for infants during his time caring for his younger sister. Ms. M-------- confirmed that she has seen Father feed E---------- and give her medicine, and testified that she has no concerns regarding his ability to properly care for E----------. Ms. P------ testified that Father asked her what she believed to be the most difficult stage of raising a child, showing that Father has considered what his long-term parental responsibilities may entail. Father admitted that he "may have slightly faltered" in discharging his child care responsibilities after Mother returned from her second trip to Texas with E----------, but insisted that he quickly returned to his previous level of assistance after a brief period of anger towards Mother. Finally, Father emphasized that Mother's disproportionate responsibility for child care was enabled by a months-long maternity leave.[29]

[29] The parents agreed that Father would return to work as quickly as possible following E----------'s birth, and that he would save his remaining parental leave days for unexpected emergencies.

After describing the ways in which he assisted Mother with E----------'s care, Father addressed Mother's complaints. First, Father contended that Mother "made it clear" that she wanted to be primarily responsible for E----------'s care at least during the weeks following her birth, as she learned effective child care strategies from her prior employment at a day care. Second, Father denied Mother's allegation that he routinely came home late from work specifically to avoid helping her care for E----------. He admitted that he often returned home late, but insisted that he actually was working most of those occasions. Otherwise, he claimed to come home late to avoid conflict with Mother. Father also admitted that he did not come home at all on a few rare occasions, but emphasized that he never spent more than one night away from home. Third, Father posited that Mother often did not ask for his assistance. For example, E---------- was sick during the week prior to the hearing, and Mother chose to rely on Ms. P------ to care for E---------- rather than allowing him to do so.

Finally, and most importantly, Father alleged that Mother routinely either forbade him from helping her with E---------- or micromanaged his method of care so closely that he felt dissuaded from attempting to help more frequently. He recounted one instance of such behavior by Mother, when E---------- was less than a month old. Father was holding E---------- while she cried and he tried to soothe her. Mother told Father, "give me the baby, you are doing it wrong." Father

asked Mother to "give him a chance." Mother responded, "give me the fucking baby right now." Father theorized that Mother cannot conceive of a situation where he improves E----------'s life in a manner different from her preferred approach, and worries that Mother will use any deviation from her desired methods against him. Father carries this fear with him whenever he spends time with E----------.

c. Transportation

Mother has handled the majority of transportation to and from E----------'s day care. She believes that she dropped E---------- off 56 times out of 65 total day care sessions, but conceded that she may have underestimated the number of drop-offs by Father. Father testified that he picks E---------- up from day care one to two times per week.

d. Medical Support

Mother has assumed primary responsibility for E----------'s medical care, due in large part to her status as the *de facto* primary residential parent. When E---------- contracted an ear infection, Mother took her to the emergency room and attempted to inform Father of the situation. This incident was typical of the parties' general approach to E----------'s medical care -- Mother takes action and informs Father, and Father makes himself available. Father testified that he

attends "as many [of E----------'s] doctor's appointments as possible," and has missed only "one or two."

e. Activities

Mother enrolled E---------- in a motor skills program, a parent-child group, a walking class, and swimming lessons. She testified that Father did not attend any of E----------'s motor skills sessions despite being invited, and that he attended a single swimming lesson out of eight total sessions. Ms. E-------- testified that she never saw Father at a group meeting. Father admitted that he did not attend any of E----------'s motor skills sessions, but contended that he was not informed of E----------'s enrollment until after she had completed the program. Father did not contest Mother's and Ms. E--------'s testimony regarding his absence from the swimming lessons and the parent-child group.

II. Co-parenting and Communication

a. Requests for Contact with E----------

Father testified that Mother has refused his requests for contact with E---------- "half a dozen, or a dozen or more" times, with the most recent refusal occurring on June 26, 2026 - less than a week prior to the hearing. Father further testified that Mother frequently used prior plans as a justification for her refusals, and that Mother refuses his requests even for major events, such as his sister's high school graduation. Mother testified that she grants Father's requests to see E-------

----- "99% of the time" since the parties separated, and that she only refused such a request on one occasion. Father introduced excerpts from his text messages with Mother from May 9 to June 11, 2026.[30] Mother accepted two requests and denied three requests over the course of the conversation.[31]

b. Unilateral Decision-Making

Father testified that Mother began making decisions unilaterally within a few months of E----------'s birth. These unilateral decisions allegedly include the purchase of a bathtub over Father's objection,[32] the selection of E----------'s day care,[33] the refusal to give E---------- vitamin-D supplements (despite the pediatrician's recommendation), and the refusal to vaccinate E---------- (as discussed above). Father claimed that on the occasions Mother asked for his input, but still considered her point of view to be dispositive and did not feel the need to justify her position. Father believes Mother makes decisions without his input because she views herself "as the sole parent," while viewing him as "an appendage with less authority." Mother admitted to making decisions without Father's input, but contended that she only did so after Father either responded to her invitations

[30] Pet'r's Ex. 1.
[31] *Id.*
[32] Father believed the parents did not need a bathtub because he could bathe E---------- in the sink.
[33] Father clarified that while Mother unilaterally chose E----------'s day care, he happened to agree with the decision.

to discuss the decisions with equivocal answers like "maybe," or "wouldn't commit to anything."

c. Unilateral Travel to Texas for Extended Periods

Mother took E---------- to Texas on November 18, 2025 without informing Father, and again on December 8, 2025 over Father's objection. Father testified that they had discussed visiting Texas together prior to Mother's first trip, but that they never developed a concrete plan. Mother did not inform Father of the first trip until the day she left. E---------- was less than three months old at the time. Father testified that the sudden nature of the trip caused E---------- to miss out on plans with his relatives. The parties entered couples counseling because of the trip. Mother testified that she took the trip without informing Father because of Father's alleged "emotional abuse."

Mother informed Father of her intent to take the second trip with E----------. Father testified that the parties had mutually agreed that Mother would not take the trip so that they could work on mending the deepening fissures in their relationship. Nevertheless, the second trip lasted from December 8, 2025 until January 5, 2026. Father testified that Mother invited him to join her and E---------- in Texas for Christmas. He declined the invitation on the basis that Mother's initial justification for taking the trip was to get away from him. Father asked Mother to

return for New Year's Eve. Mother declined, purportedly due to the high prices and low availability of flights at that time.

Father had no contact with E---------- while Mother was in Texas for the second time, other than receiving some pictures that Mother sent. This absence of contact was deeply distressing to Father. He continuously feared for E----------'s well-being throughout the trip, and reached out to Ms. P------- to ensure that E---------- was safe. Mother does not believe she did anything wrong by taking a month-long second trip. Indeed, Ms. N---------- testified that Mother told her that she only returned to Delaware because Father "forced" her back home.

d. Couples Therapy

Mother testified that the parties had twenty sessions of couples therapy. Mother believes that the sessions provided valuable lessons for her personal life, but did not improve the parties' relationship. Mother attempted to use a communication technique recommended by the therapist, which involved explaining to Father how she felt, what she wanted, and why. She characterized Father's responses as brief and indifferent. Father did not give his opinion on the efficacy of couples therapy.

* * * * * * * * * * * *

A clear pattern emerges out of the parties' factor six testimony. Mother does more for E---------- than Father as to financial support, child care, medical care,

transportation, and involvement in extracurricular activities. At the same time, Mother has inhibited Father's contributions along these dimensions by cutting him out of the decision-making process and limiting his contact with E----------. On the issue of child care, it appears simultaneously true that Father intentionally failed to shoulder his fair share of the burden, and that Mother preferred Father to not be involved in child care at all than for him to be involved to a lesser degree.

Factor six favors Mother.

7. ***Evidence of domestic violence as provided for in Chapter 7A of this title;***

Mother took E---------- to the emergency room in January 2026, under suspicion that Father sexually abused the baby. Ms. N---------- and Ms. E-------- recounted the events giving rise to Mother's suspicion for the Court, as explained to them by Mother. Mother left E---------- with Father for thirty minutes. When Mother returned, E----------'s eyes were red, her diaper was unfastened, and her onesie was unbuttoned. Mother asked Father what happened to E----------, but he did not answer.

When Ms. N---------- heard Mother's story, she reported it to the Division of Family Services, and encouraged her to have E---------- evaluated for signs of sexual assault. The sexual assault evaluation did not identify any signs of abuse.[34]

[34] Despite the absence of evidence of abuse, Ms. Nicholson encouraged Mother to file a Petition for an Order of Protection from Abuse ("PFA") against Father. Mother never filed a PFA Petition against Father because she still had hope that their relationship could be restored.

Mother made Father aware of her suspicions during couples therapy, but did not inform him of the evaluation until after the fact.

Mother testified that she apologized to Father when she told him about the evaluation results, but was subsequently "punished with silence." Mother believes that this reaction was unreasonable, on the basis that Father could have prevented the evaluation from taking place simply by answering her questions about what happened to E----------. Mother believes the allegations should not have impacted Father's relationship with E---------- because she apologized and did not prevent Father from seeing E---------- afterward.

Father denied that Mother did not prevent him from seeing E----------, but he admitted that it was difficult for him to spend time with E---------- after the evaluation. When the Court asked Father if the allegations against him will continue to cause problems between the parties, he replied, "hopefully to a lesser extent."

In addition to the unfounded allegation abuse of E----------, Ms. N---------- also jumped to the conclusion that Father had subjected Mother to physical, emotional, and financial abuse based solely on the information Mother shared with her. Ms. N----------'s judgment that Father physically abused Mother was based on Mother's version of two incidents. During the first incident, the parties

fought over Father's car keys.[35] They reached for the keys at the same time, grabbed opposite ends, and pulled. Mother called the police, alleging that Father had hurt her hand. Mother never explained to the Court what part of the struggle amounted to physical violence. During the second incident, Father allegedly "put his hands on" Mother while she was pregnant, but never describe what she meant by the phrase. Father explained that he was concerned about Mother's mental state and was trying to calm her down.

Ms. N----------'s belief that Father had financially abused Mother stemmed from a dispute between the parties' regarding E----------'s social security card. Father testified that Mother asked him to give her the social security card. He told her that he would. Mother called the police when he failed to do so within an hour. Ms. N---------- testified that Mother felt compelled to call the police because she irrationally believed that Father was intentionally withholding the social security card to prevent E---------- from being enrolled in her health insurance.

Finally, Ms. N---------- believes that Father emotionally abused Mother. Mother told Ms. N---------- that Father routinely ignored her, dismissed her, treated her "as if [she] was an idiot," and made comments that "wore down her

[35] The parties were previously arguing about whether Father could spend time with E---------- that night. Neither party explained why they fought over the keys, or if or how that fight was connected to the earlier argument.

self-confidence and self-esteem as a mom." Specifically, Father purportedly told Mother that she was "not present in reality," and that the fact she began taking anti-depression medication rendered her an unfit Mother.[36] Mother testified that this behavior by Father was the driving force behind the parties' separation, as she "didn't want [E----------] to see the way [Father] treated [her]."

Ms. N----------'s opinion that Father committed domestic violence against Mother is less than reliable, as it is based solely on unverified information provided by Mother. Ms. N---------- admitted that it is generally difficult to determine the truth regarding domestic disputes from the account of only one party, but she still did not find it necessary to seek any external corroboration of any of Mother's claims. There is no evidence that Father committed domestic violence against E----------, and the allegations that Father committed physical, financial, and emotional abuse against Mother lacked a credible basis. As to the alleged physical abuse, the struggle over the car keys was a mutual dispute during which neither party intended to hurt the other. The allegation that Father "put hands on" Mother is insufficiently descriptive for the Court to determine that physical abuse occurred. As to the alleged financial abuse, Father's version of events is more credible than Mother's. Mother's allegation that Father intentionally withheld E----------'s social security card for sixty minutes would

[36] Father also allegedly "strongly" controlled the parties' finances, but neither Mother nor Ms. Nicholson elaborated on this contention.

not rise to the level of domestic violence. Additionally, Mother never explained why she believed that holding a social security card would constitute financial abuse. Finally, Mother considered Father's comments as unpleasant, but unpleasantness alone is insufficient to warrant a finding of abuse in the absence of an intent to coerce or control the recipient of the comments.[37]

Factor seven is neutral.

8. The criminal history of any party or any other resident of the household including whether the criminal history contains pleas of guilty or no contest or a conviction of a criminal offense.

Neither party has a criminal history.

Factor eight is neutral.

II. Relocation

1. The nature, quality, extent of involvement, and duration of the child's relationship with the individual proposing to relocate and with the nonrelocating individual, siblings, and other significant individuals in the child's life.

This factor is largely duplicative of best interest factor three.[38] E---------- is closer with Mother than she is with Father, as Mother has spent much more time

[37] *See B. C. v. J. C.*, No. 24-27312, 2025 WL 1276362, at *1 (Del. Fam. Ct. Mar. 28, 2025) ("In the context of custody cases, domestic violence can be defined as a dynamic between parents whereby one partner seeks to control the other through the use of abusive patterns of behavior.").

[38] *See K.O. v. D.V.*, No. CN10-03765, 2011 WL 9210346, at *7 (Del. Fam. Ct. July 20, 2011) (stating that "[t]he Court has exhaustively addressed this factor in the discussion of the 13 Del. C. § 722 factors" under Model Relocation Act factor one, which is substantially similar to 13 Del. C. § 734 factor one).

with her than with Father. At the same time, Mother has not allowed Father to provide independent care for E----------, nor has she allowed him a single overnight with the parties' daughter, despite his requests. E---------- is close with both her paternal and maternal relatives.

Factor one is neutral.

2. *The age, developmental stage, needs of the child, and the likely impact the relocation will have on the child's physical, educational, and emotional development, taking into consideration any special needs of the child.*

E---------- will be one year old this month and is breast-fed. Mother testified that she will continue to breast-feed E---------- until she is eighteen months old, subject to any unexpected developmental delays. That E---------- still requires breast-feeding does not favor or disfavor relocation, as Mother is as capable of breast-feeding E---------- in Delaware as she is in Texas. The more pertinent consideration under this factor is the impact of E----------'s age on her potential to maintain a relationship with Father in the event she moves to Texas. In *R.W. v. A.M.*, as here, the child was around one year old, still breast-feeding, and had been unilaterally withheld by Mother in a different state, causing the child to "[miss] out on paternal family traditions."[39] The *R.W.* Court found that relocation factor two disfavored relocation because the child was "a toddler who is developing

[39] *R.W. v. A.M.*, No. CN24-05502, 2025 WL 2490541, at *7 (Del. Fam. Ct. Aug. 28, 2025).

rapidly and achieving milestones that Father will miss if Mother is permitted to relocate against Father's wishes."[40]

The first years of a child's life are crucial to the formation of strong relationships with both parents. Relocation would have a serious impact on bonding between E---------- and Father during the critical first two years of life.

Factor two strongly disfavors relocation.

3. The feasibility of preserving the relationship between the nonrelocating individual and the child through suitable visitation arrangements, considering the logistics and financial circumstances of the parties.

Father does not believe he will be able to maintain his relationship with E---------- if Mother's relocation request is granted, and he opposes relocation primarily for this reason. He does not consider digital communication with E---------- an adequate substitute for personal contact because he believes that she is too young to look at screens, even for brief periods. Father's objection to virtual contact is reasonable, in light of recent research linking screen exposure for young children to negative outcomes such as lower quality sleep, obesity, and developmental delays.[41] Father's belief that Mother's proposed in-person contact

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[40] *Id.*

[41] *See* Chao Li et al., *The Relationships between Screen Use and Health Indicators among Infants, Toddlers, and Preschoolers: A Meta-Analysis and Systematic Review*, 17 Int'l J. Env't. Rsch. Pub. Health 7324 (2020) ("Strong evidence of this meta-analysis suggested that excessive screen time was associated with overweight/obesity and shorter sleep duration among toddlers and preschoolers."); Ippei Takahashi et al., *Screen Time at Age 1 Year and Communication and Problem-Solving Developmental Delay at 2 and 4 Years*, 177 JAMA Pediatrics 1039, 1045 (2023) ("In

schedule (sixteen visits per year) provides insufficient parenting time to maintain his relationship with E---------- is also justified, as the Delaware Contact Guidelines recommend parenting time every other weekend for children under eighteen months old, and two additional weekly overnight visits for children between eighteen months and five years old.[42]

Mother noted that Father never had financial difficulties visiting her when she lived in Columbus, and that he is not in a worse financial position now than he was at that time. This argument fails to acknowledge that when Mother lived in Columbus, the parties did not have a child. "[T]here is no substitute for frequent contact between a parent and a child,"[43] and the amount of contact proposed by Mother falls far short of the amount suggested by the Delaware Contact Guidelines. In *R.D. v. E.H.*, the Court found factor three disfavored relocation where the relocating party's proposed contact schedule "would have Child in Delaware not more than 15 weeks during the school year when Child would not be in school." Mother's plan would permit even less contact in Delaware between E---------- and Father.[44]

Factor three strongly disfavors relocation.

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this cohort study, greater screen time at age 1 year was associated…with developmental delays in communication and problem-solving at ages 2 and 4 years.").

[42] Del. Fam. Ct. Form 599.

[43] *L. R.B. v. M. A.B.*, No. CN98-09070, 2002 WL 31998728, at *5 (Del. Fam. Ct. July 15, 2002) (internal quotation marks omitted).

[44] *R.D. v. E.H.*, No. 21-29454, 2022 WL 1567217, at *8 (Del. Fam. Ct. Mar. 24, 2022).

4. The child's preference, taking into consideration the age and maturity of the child.

Neither party provided testimony pertinent to this factor.

Factor four is neutral as to relocation.

5. Whether there is an established pattern of conduct of the individual seeking the relocation, either to promote or thwart the relationship of the child and the nonrelocating individual.

Mother has attempted to thwart the relationship between E---------- and Father more regularly than she has attempted to promote it. Mother has a demonstrated tendency to deny Father's requests for contact and to limit his involvement in child care. The Court is cognizant of Mother's two unilateral trips to Texas. In *R.W.*, the mother decided to take a trip to Washington with the child for one month - the same duration as Mother's second trip to Texas.[45] "Mother's unilateral actions concern[ed] the Court that if permitted to relocate, Mother would continue to ignore Father's custodial rights."[46] This case presents the same concern.

Factor five disfavors relocation.

6. Whether the relocation of the child will enhance the general quality of life for both the individual seeking the relocation and the child, including financial or emotional benefit or educational opportunity.

[45] *R.W.*, 2025 WL 2490541, at *7.
[46] *Id.*

Mother contended that relocation will enhance the quality of life for E---------- and herself. She focused on three primary dimensions: comfort, financial stability, and emotional satisfaction.

Mother believes she and E---------- will be more comfortable in Pflugerville because her house there provides a better living arrangement than her current apartment. The house is in a well-maintained suburban neighborhood, and has four bedrooms and a yard. E---------- would have her own bedroom, and there are other children nearby. Mother testified that she is currently unable to purchase a home that offers similar amenities in Delaware.

Mother currently earns $120,000 per year. She believes she can earn a higher salary in Pflugerville, but was unable to say exactly how much more she expected to be paid. She testified that she received a "verbal offer" from a former employer and has "a couple of interviews" scheduled. Mother conceded that she does not have any binding offers and does not know the salaries, but claimed to have sufficient savings to last five months.

The Court is unconvinced that relocation will improve Mother's financial circumstances. She has a stable, well-paying job in Delaware, while her employment prospects in Texas remain uncertain. She did not substantiate her assertion that she would earn a higher salary in Pflugerville, but even if the

assertion is correct, the increased salary will be offset by the increased cost of living, which is 9% higher in the Austin area than in the Wilmington area.[47]

Mother believes relocation will improve the mother-daughter emotional well-being by: (1) enabling her to spend more time with E----------, (2) allowing them to see her maternal family more regularly, and (3) improving Mother's mental health. The Court finds the first suggestion unpersuasive. Mother testified that she will be able to spend more time with E---------- in Texas because she will work remotely, but Mother has not been offered a remote job.[48] Furthermore, Mother conceded that it would be "possible" to find remote work in Delaware. Mother's explanation as to how she would be able to spend time with E---------- while working was similarly unconvincing. She testified that an unidentified nanny and Ms. Pedrero would watch E---------- while she works, but Ms. P------ lives more than two hours away, and this testimony conflicts with her stated purpose of seeking remote work to spend more time with E----------.

Mother's contention that relocation would improve her mental health is also questionable. Ms. N---------- testified that Mother's depression will not be fully remediated as long as she remains in Delaware, far from her family. But this testimony is contradicted by her own concession that, given the results of the second assessment, Mother is more than capable of meeting life's daily challenges

[47] https://www.expatistan.com/cost-of-living/comparison/wilmington-delaware/austin.
[48] Mother's non-binding offer is for an in-person position.

in Delaware. Ms. N----------'s conclusions are inconsistent with the facts presented at trial.

Mother's most persuasive basis for believing that relocation will improve the quality of life is that they would be much closer to her family. Mother and E---------- are unquestionably close with both Ms. R-------- and Ms. P------. Ms. Rodriguez testified that she calls Mother nearly every day, that she would see Mother "all the time" if she moved to Texas, and that she would be able to assist Mother with child care. Ms. P------ testified that she can "completely" help with child care if Mother relocates, including by staying at her home in Pflugerville for extended periods.

While it is self-evident that Mother's and E----------'s quality of life will be improved by proximity to their relatives, there is evidence that the improvement will not be as Mother contends. In particular, Ms. P-------, Ms. R----------, and the rest of Mother and E----------'s Texas-based relatives live in Houston, which is approximately two and a half hours southeast of Pflugerville. The distance between the two towns forecloses the possibility of daily visits between Mother, E----------, and their relatives. Additionally, Ms. P------ did not provide a convincing explanation regarding how she could provide regular assistance with child care given the distance between Pflugerville and Houston. She testified that she could still come to Pflugerville frequently because she works remotely, but this testimony, like Mother's testimony regarding remote work, does not acknowledge

that remote work is still work. Ms. P-------will not be able to assist Mother with E---------- and work at the same time.

Finally, it is clear that Mother's support network in Delaware is not insignificant, despite her best efforts to downplay it. Ms. E-------- is not a mere acquaintance or casual friend to Mother. The two women have attended forty to fifty parenting group sessions together, according to Ms. E--------. Ms. E-------- further testified that Mother, Ms. E--------, and five to six other new mothers have a group chat in which they talk daily, share pictures, and give each other parenting advice. Outside of parenting groups, these women see each other at holiday parties, festivals, their children's play dates, and first birthday parties. They are more than mere acquaintances.

Mother testified that if she remains in Delaware, the other mothers "could not do much" to support her because "they have their own babies." But the level of support described by Ms. E-------- is considerably higher than "not much" or "a small amount." Ms. E--------'s testimony on this point is more reliable than Mother's because unlike Mother, Ms. E-------- had no motive to downplay the extent of support that the parenting group mothers provide each other.

If Mother is permitted to relocate, the living situation for E---------- and Mother will be more comfortable, and they will receive the emotional benefits incident to closer proximity to Mother's relatives. However, the Court is

unconvinced that Mother's financial circumstances will significantly improve if she is permitted to relocate, that relocation will enable Mother to spend more time with E----------, and that being closer to Mother's family will benefit Mother and E---------- to the extent that Mother claims. She does not have a concrete, readily implementable plan for their day-to-day lives in Texas. She does not know who her new therapist would be, who E----------'s new pediatrician would be, or where E---------- would attend school. Mother's contention that relocation would improve her mental health is not entirely unconvincing, but it is undercut by Ms. Nicholson's testimony that her mental health has significantly improved compared to the post-partum stage.

Factor six is neutral as to relocation.

7. The reasons of each individual for seeking or opposing the relocation.

Father opposes relocation because he does not believe he will be able to build his bond with E---------- or to maintain a relationship with her if Mother takes her to Texas. This basis for opposing relocation is highly persuasive. Father has no issue with Mother relocating to Texas on her own, and testified that if Mother relocated without E----------, he would rely on Ms. M-------- and "a few new friends" to help with E----------'s care. Ms. M-------- confirmed this testimony, though like Mother and Ms. P------, she mistakenly conflated her ability to work remotely with the ability to devote her full attention to E----------.

Despite the lingering damage resulting from Mother's unsubstantiated abuse allegations, Father still wants to spend time with E---------- more frequently.

Mother's reasons for seeking relocation are discussed in the context of relocation factor six. More than any other reason, Mother seeks to relocate because of the prospect of improved family life. This is also Mother's most persuasive justification for relocation. However, when this Court has been presented with a choice between preserving the non-relocating party's relationship with the child and enabling the relocating party and child to reap the benefits of a richer family life, it has consistently selected the former option.[49] Beyond individual court decisions, the principle that the parent-child relationship is entitled to greater deference than the child's relationship with relatives permeates Title 13 of the Delaware Code.[50] The facts of this case, viewed in light of the relevant case law and the foundations of Title 13, find that factor seven disfavors relocation.

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[49] *See M v. J.*, No. CN19-04823, 2025 WL 2475858, at *11 (Del. Fam. Ct. Mar. 5, 2025) (finding relocation factor seven disfavored relocation where "Father…believe[d] that relocation would impact his and [child's] relationship," even though "Mother stated that [child] would be able to form bonds with maternal family" if relocation was permitted); *Worthington v. Bachman*, 169 A.3d 857, 2017 WL 2376601, at *2-3 (Del. 2017) (affirming Family Court's denial of mother's relocation request despite the fact that "the Mother had family in Florida," as the Family Court properly "recognized…that [the] benefits [of relocation] were outweighed by the negative impact…on the Father's relationship with the Child."); *L. R.B.*, 2002 WL 31998728, at *6 n.3 ("*See…T S. v. R. S.,* 2000 WL 166370 (Del.Fam.) (emotional support that mother would have if she moved to Virginia and benefit child might derive from such did not outweigh significant diminution in frequency and meaningfulness of child's contact with father).").

[50] For instance, a Petitioner seeking third-party visitation must demonstrate that a parent's objection is unreasonable by clear and convincing evidence, whereas a Petitioner seeking parental visitation need only show that such visitation will not endanger the child's physical health or significantly impair emotional development. 13 Del. C. §§ 727; 2412.

Factor seven disfavors relocation.

8. Any other factor affecting the best interest of the child.

The best interests inquiry is set out above.

Factor eight is neutral as to relocation.

CONCLUSION

No single factor is determinative in deciding custody and relocation cases. Rather, the Court must consider the totality of the circumstances and reach a decision that will best serve E----------. From the evidence presented during the hearing on July 2, 2026, and upon consideration of the enumerated best interest factors and relocation factors, the Court finds that best interest factor five favors Father. Best interest factors three and six favor Mother. Best interest factors one, two, four, seven, and eight are neutral. None of the factors carry more weight than the others in this case.

The Court further finds that relocation factors two, three, five, and seven favor Father. Relocation factors one, four, six, and eight are neutral. Relocation factors two, three, and five carry the most weight in this case.

The best interest factors favor an award of joint legal custody, with Mother receiving primary residential placement. The parties agreed to this outcome, and the Court does not seek to override the parties' agreement unless it is manifestly unreasonable. There is no history of or concern regarding domestic violence in this

case, nor is there an irreparable breakdown in the parties' ability to communicate. Father has not interfered in decisions since E---------- was born. The only basis on which the Court might consider sole legal custody over both parties' stated desire for joint legal custody might be Mother's interference with Father's relationship with E----------. This is an insufficient basis on which to contravene the parties' stated wishes, considering that the other circumstances warranting an award of sole custody are not present in this case, as well the fact that Father incurred some responsibility for his limited role by not being as involved initially in E----------'s care as he could have been.

The Court finds the parties' agreement that Mother should have primary residential placement to be reasonable as well, in light of Mother's close bond with E----------. Finally, the Court declines to award Father final medical decision-making authority. As discussed above, Mother's beliefs regarding vaccinations are a serious source of concern for the Court, but granting Father final decision-making authority as to all medical disputes is an overbroad remedy. The concern regarding vaccines can be alleviated by including a provision in the order compelling the parents, when in disagreement, to defer to the pediatrician's recommendations.

The relocation factors decisively disfavor relocation. Although Mother's case is facially compelling, it unravels upon closer examination. The purported

economic benefits of relocation are speculative, Mother's own witnesses implicitly admitted that the mental health benefits would be marginal and that Mother's support network in Delaware is at least non-negligible, and relocation would likely not enable Mother to spend more time with E---------- than she does currently. Even Mother's most persuasive basis for relocation - the benefits deriving from close proximity to family – is illusory, especially considering the meaningful distance between Pflugerville and Houston.

Mother's case falls below the standard of preponderance when considered in light of the dim prospect of Father maintaining any semblance of a parent-child relationship with E---------- if Mother is permitted to relocate with the child. E---------- is at an age when regular contact with both parents is essential to her emotional development, and the contact proposed by Mother cannot reasonably be considered "regular." This Court's past relocation decisions invariably emphasize the fundamental importance of the parent-child relationship.

Mother cited two cases in her closing argument in support of the relocation request: *L.R. v. S.R.*, and *Ravin v. Spears*.[51] Both cases are distinguishable. In *L.R.*, the parent opposing relocation had pending abuse charges against the children in addition to a PFA order, the children were well past the infant/toddler stage (six and eight years old), the children were already well-adjusted to the proposed

[51] *Ravin v. Spears*, 224 A.3d 202 (Del. 2019).

relocation site, and the relocation would have brought the children closer to both maternal *and* paternal relatives.[52] Here, the child is an infant, there is no evidence that Father abused E----------, E---------- is not already well-adjusted to Pflugerville, and relocation would bring E---------- further from the non-relocating party's family rather than closer.

Similarly, in *Ravin*, the non-relocating party "had previously requested a reduction in his visitation with the Child," "there [was] a history of domestic violence between the parents," and the party seeking relocation had "a job offer…that paid more and offered more regular hours than her Delaware job."[53] None of those circumstances are present here.

The Court awards the parties **JOINT LEGAL CUSTODY** of E----------. As joint custodians, the parties must discuss all the major decisions in E----------'s life before reaching a resolution. These decisions include, but are not limited to, E----------'s support, care, nurture, welfare and education.

The Court awards Mother **PRIMARY RESIDENTIAL PLACEMENT** of E----------. Mother shall ensure that E---------- maintains regular contact with Father and attends all parenting time with him. As required by statute, the Court awards Father parenting time as described below. The Court finds that Father's parenting

[52] *L.R.*, 2022 WL 663333, at *2, 4-5, 8.
[53] *Ravin*, 224 A.3d 202, 2019 WL 7369432, at *1, 3 (Del. 2019).

time schedule "is designed to permit and encourage [E----------] to have frequent and meaningful contact with both parents."[54]

The Court is sympathetic to Mother's desire to return to her roots and be closer to her family. But the main consideration in custody and relocation is what would best benefit E----------. Children need both parents. The first two years of life are critical to bonding. Allowing Mother to relocate E---------- to Texas, and allowing Father just twelve visits per year will not foster that necessary bonding. It may be that Father finds a job in Austin where these two young parents met, and this case would resolve amicably. However, the current decision, hard though it may be, has to look at the facts as they exist and be resolved in the best interest of this precious one-year-old child.

[54] 13 Del. C. §728(a).

ORDER

IT IS HEREBY ORDERED THIS 5th day of August 2026:

1. C-------- T------- and J---- M-------- are awarded **JOINT LEGAL CUSTODY** of E---------- M-------- (born 8/24/2025).

2. C-------- T------- shall have **PRIMARY RESIDENTIAL PLACEMENT** of E---------- M-------- (born 8/24/2025).

3. C-------- T-------'s request to relocate with E---------- to Pflugerville is **DENIED.**

4. Until E---------- turns eighteen months old, Father shall have parenting time with E---------- every other weekend from 6 p.m. on Friday until 6 p.m. on Sunday. Additionally, Father shall have parenting time with E---------- twice a week on weekdays for a total of at least three hours. After E---------- turns eighteen months old, Father's two weekly weekday visits will be extended to overnight visits. The parties will attempt to agree on which days Father will have weekday parenting time. If agreement is not reached, Father shall have the Tuesday and Thursday following his weekends, and the Monday and Wednesdays following Mother's weekends.

5. **If the parties cannot agree on a decision relating to E----------'s medical care, including whether to vaccinate E----------, they shall defer to the pediatrician's recommendation.**

6. **Holidays:** Holidays take precedence over the regular parenting time schedule.

   Mother's Day: Mother shall have E---------- every Mother's Day from 7:00 p.m. on the Saturday before Mother's Day until 6:00 p.m. on Mother's Day.

   Father's Day: Father shall have E---------- on every Father's Day from 7:00 p.m. on the Saturday before Father's Day until 6:00 p.m. on Father's Day.

   Other Holidays: Mother shall have E---------- on the holidays in Column 1 in odd-numbered years and on the holidays in Column 2 in even-numbered years. Father shall have E---------- on the holidays in

Column 2 in odd-numbered years and on the holidays in Column 1 in even-numbered years. **The parties may modify this provision by mutual agreement.**

Column 1 **(Mother odd years/Father even years)**	**Column 2** **(Father odd years/Mother even years)**
Memorial Day	July 4th
Labor Day	Easter
Christmas Eve	Thanksgiving Day
	Christmas Day

UNLESS MUTUALLY AGREED TO THE CONTRARY:

a. Memorial Day and Labor Day shall be from 9:00 a.m. until 7:00 p.m.
b. Easter visits shall be from 7:00 p.m. on the Saturday before Easter until Monday morning at 9:00 a.m.
c. July 4th shall be from 9:00 a.m. on July 4th until 9:00 a.m. on July 5th.
d. Thanksgiving visits shall be from 9:00 a.m. until 7:00 p.m.
e. Christmas Eve shall be from 9:00 a.m. on 12/24 until noon on 12/25.
f. Christmas Day shall be from noon on 12/25 until 7:00 p.m. on 12/26.

7. **Cancelling contact:** Except in emergency situations, parents must give one another at least 24 hours advance notice when canceling their own contact period.

8. **Medical treatment and emergencies:** If E---------- becomes seriously ill or injured, each parent shall notify the other as soon as practicable. If E---------- becomes ill or injured during one parent's contact period, that parent shall contact the other to secure treatment unless the situation is a medical emergency.

9. **Communication: Both parents shall be entitled to reasonable communication with E---------- while she is in the other parent's care (including but not limited to telephone, e-mail, mail and text messaging). Neither parent shall interfere with the communication between E---------- and the other parent.**

10. **School work:** Parents shall provide time for E---------- to study and complete homework assignments, even if the completion of work interferes with the parents' plans for her. Both parents are responsible for providing school assignments and books to the other parent. E---------- must attend

summer school if necessary, regardless of which parent has E---------- during the summer school period.

11. **Relocation:** Prior to a parent relocating their residence, consideration shall be given to the effect the relocation may have on the existing contact schedule. If the relocation may result in a change to E----------'s school, travel time to school, or extracurricular activities, or otherwise may adversely affect E----------'s best interest, the parent choosing to relocate shall obtain written approval from the other parent or a Court Order prior to relocating.

12. **Notice of change of address:** Both parents shall give written notice to the other parent immediately upon any impending change of address and/or phone number. The written notice must include the new mailing address and phone number (in the event the mailing address is a Post Office Box, the written notice must include a physical address and/or directions to the new residence), unless a restrictive order has been obtained from the Court. A copy of the notice shall also be provided to the Family Court in the appropriate county.

13. Nothing herein prevents the parties from changing this Order by mutual agreement. However, if they are not in agreement, the terms of this Order shall apply.

14. **THIS IS A FINAL ORDER ENTERED AFTER A HEARING ON THE MERITS.** Therefore, any future modifications shall be made pursuant to 13 Del. C. § 729(c).

IT IS SO ORDERED this 5th day of August 2026.

THIS IS A FINAL ORDER.

/s/Michael W. Arrington
Honorable Michael W. Arrington
Judge

Date of Written Order: 8/5/26
Date Mailed: 8/5/26